

**MINUTES OF CITY COUNCIL  
SHEFFIELD LAKE, OHIO  
November 14, 2017**

The regular meeting of the City Council was held Tuesday, November 14, 2017. Council President Richard Rosso called the meeting to order at 7:01 pm.

**THE INVOCATION WAS GIVEN BY: Kay Fantauzzi**, who then led in the Pledge of Allegiance.

**\*\*\*\*\*ROLL CALL OF MEMBERS\*\*\*\*\***

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

Attending: Videographer Nicholas Collanbine, Concerned Citizens, Members of the Media

**READING OF THE MINUTES:**

**Council** - \*Motion by Kovach/Second by Gee to accept the minutes of the City Council of October 24, 2017 with any noted corrections. Yeas All.

**Special Council** - \*Motion by Kovach/Second by Gee to accept the minutes of the Special City Council of November 9, 2017 with any noted corrections. Yeas All.

**CORRESPONDENCE:** Monthly report of court receipts for month of October 2017 - \$3,536.00.

**PRESENTATIONS: None.**

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**CITY COUNCIL REPORTS**

**Roads, Drains, Water, Sewer and Refuse:** Chairman Cizl reviewed the minutes of the November 6, 2017 meeting. \*Motion by Cizl/Second by Kovach to accept the sewer credit of \$73.70 for 372 Buckeye Drive. Yeas All. \*Motion by Cizl/Second by Kovach to approve the sewer credit of \$176.20 for 4145 Lake Road. Yeas All.

\*Motion by Erdei/Second by Kovach to accept the report. Yeas All./**Safety:**

Chairman Wtulich reviewed the minutes of the November 1, 2017 meeting.

Councilman Erdei asked about camera's at Shopping Center due to new businesses coming in. Mayor Bring advised we have had camera's at the Shopping Center.

However, it would be up to businesses to put in the camera's in their businesses, we cannot mandate that. \*Motion by Cizl/Second by Kovach to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:**

Chairman Erdei reviewed the minutes of the November 2, 2017 meeting. \*Motion by Cizl/Second by Kovach to accept the report. Yeas All./**Ordinance:** Chairman Kovach reviewed the minutes of the November 2, 2017 meeting. \*Motion by Gee/Second by Cizl 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.**

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**ADMINISTRATIVE REPORTS**

**MAYOR/SAFETY:** Mayor Bring reported Mr. Wtulich had reported on the additional police car that was on order, that is coming tomorrow morning. We still have one of the Crown Vic's in service and we are going to run that until it dies on us but the rest of them are gone. We should be in pretty good shape with that additional car. I will probably be coming to Council at the beginning of the year and see if we can order another one and that would make us up to par then. Also, our mechanic and myself and Mr. Hastings sat down and had a conversation, if you go by the Service Department they have cleaned that area up and Council has approved us to get rid of all those vehicles and we have done that. The vehicles that we have now are in the room over there where the mechanic works. But the building is getting full and he made a suggestion of possibly putting up a pole barn structure out front of the mound near Richelieu there. So, I got a quote on that and took that over there and the material costs for that is around \$15,600.00. So, we probably will look at doing that. That will give us a building that is 72-foot long/about 12-foot high for the doors/30-foot deep. We will be able to put some of our plow trucks in there, the chipper, the roller and a couple other pieces of equipment in there. I thought it was a good idea in keeping all of our equipment under cover and dressing it up. So, we are looking at doing that, but I don't know if we will do anything by the end of this year. So, maybe the beginning of next year. \*Motion by Erdei/Second by Kovach to accept the report. Yeas All.

**SUPERINTENDENT'S REPORT:** Superintendent Hastings reported first I wanted to report on the Roads & Drains Committee minutes that Councilman Cizl was reviewing, Roberts Street was paved and completed and they are just dressing up some of the driveway aprons today. In regards to, the pump station/sewer projects, we have been talking about it for probably the better half of the year, but I had mentioned in that meeting and had reported that upwards of \$750,000, we did get the final figures which I will be presenting to you for permission to finally send in the application and obviously I couldn't work with David quite yet because I didn't have that number and that is typically a part of the legislation for you to consider. Anyway, that number came in at \$965,000 which some of that, of course, we have already paid for the engineering to get to this point. We have used two different engineering firms as well as equipment suppliers and so forth. So, that number also includes upwards of \$100,000 in contingency, which are really safety nets and not necessarily reflective of what we would actually borrow and pay against. But we are finally at a point to have that application prepared which I will and work with the Law Director on getting that before you for consideration. The Shoreway Shopping Center, which was reported in some meeting minutes, is moving along well. We have phased approvals on all of our build-outs and currently we have 3 build-out's; Goodwill has undertaken quite a bit of the demo and will now be pulling permits through SAFEbuilt on construction. The

*Council November 14, 2017*

Laundromat had phased approval, that I sent through the city's Architect. I haven't talked to the investors quite yet. I anticipate that to start soon. Then the Daycare which was primarily cosmetic has had some doors and panic bars installed today. The heating and air conditioning has been updated and I will be sending the city through for inspection and then the State of Ohio will be following through for permitting. So, I anticipate for that to be pretty close. Over the last month, the city was conditionally awarded approximately \$300,000.00 in grants; one was the continued funding towards Abbe Road, which we have acquired about ½ million in grants to date. The second one was Sheffield Lake was awarded the Nature Works grant for restrooms at our Boat Launch and again, these are conditionally approved, we got the award letters but they go through a final approval process with their respective boards. The final thing was the Day Ditch; we have been working on that as far as preliminary engineering getting ready to submit to the Senator for the capital budget bill. I have heard indirectly that the letters are out entertaining proposals and the Mayor has yet to receive anything official so he had contacted the Senator today. We do have two possible sites, one in the Village south of the tracks and one north of the tracks in the Metro Parks. Both have favorable elevations to capture this water before it impacts everybody. It is expensive coming in at about 1.5 million for the entire project. However, that can be phased as the footprint of the pond and the vegetation and everything associated with that comes in at about 10 acres of land/137,000 square cubic yards, so it is big. All that being said, if we do hear back from the Senator which I hope to this week, we will be submitting that. Obviously, if we get any funding towards it, greater engineering will be authorized to figure out the best location of the retention. Councilman Cizl asked I was curious if the retention pond is approved in Sheffield Village, how does that impact Sheffield Lake. Superintendent Hastings answered actually both are in the Village, arguably one is on public lands; the Metro Parks where the Mayor and myself, Mayor Hunter and Lorain County Metro Parks have met and discussed that. The second is private property where the owners are certainly receptive to the idea. Both elevations are favorable, Day Ditch as it traverses through the Village and enters Sheffield Lake actually cuts right through the Metro Parks which was the original primary consideration. But truthfully, it will be driven by the volume of earth that we have to move because there was a lot of soil put in that area when Ferndale was done which will compound our cost. So, it is pretty preliminary to ask, but both sites are tentatively approved. Mayor Bring advised the impact of it is is all the water is coming our way, so if we get a retention pond where it has some place to hold the water until some of the water goes down, during a flooding episode. So, that way it will alleviate flooding like on Holl and Knickerbocker, etc. It will alleviate all of that water coming at them at one time and then that gives us a chance to drain our water north into the lake. So, that is what the whole thing is about and it also helps the Metro Parks because they want a retention pond too because they want to use that. So, when they are going after funds...what they are going to do for the EPA?

3088

Council November 14, 2017

Anyways, it will help them out with that too. Superintendent Hastings advised wetland mitigation. So, you are asking, to the Mayors point about the hydraulics behind the purpose of it? Councilman Cizl answered no, I fully understand the purpose of it, if we end up having it in Sheffield Village let's say on the other side of the tracks, that is the Village. I just wondered how Sheffield Lake receiving the grant would be going across the tracks. Superintendent Hastings advised it would a cooperative effort, all 3 government units which is in our favor to present that way. So, we have been in meetings way in advance to show a collaborative effort. Then to expound a little bit more, the project also excites the environmental side because as it is going through agriculture and the nutrient load and all of that would be contained and addressed through certain plants; nutrient fighting plants and so forth. It is exactly the kind of grant North Ridgeville got on the same kind of program for a million dollars. Law Director Graves asked Pat would this be similar to the retention pond at Walker Road Park shared by Avon Lake and Bay Village? Superintendent Hastings answered truthfully, I am not very familiar with that, it sounds like it. Councilman Erdei commented on Roberts Street, I have been going up and down it and they have been working on it and they did a beautiful job. So, if you could tell the contractors that they made a lot of people happy on the street. We waited a while, it is done and it looks nice. Superintendent Hastings advised I will pass it along, thank you. \*Motion by Cizl/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Finance Director Smith advised tonight I have an appropriations ordinance for you, cleaning up the end of the year budget as I have been working on it and decreasing certain areas that were there as a just in case. Since, we have not been using them they need to be decreased. I am trying to alleviate that huge appropriation change at the end of the year because we are actually going to have the budget hearing actually before Christmas this year for 2018. But that is also my last chance of changing anything for 2017. I am trying to clean up a lot of that ahead of time. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. /**LAW DIRECTORS REPORT:** Law Director Graves reviewed the legislation listed for tonight on the agenda. Councilman Smith asked David about this agreement with the attorneys, you said the contingency, that they only get a certain amount of whatever they recover? Law Director Graves answered 1/3. Councilman Smith asked so are we going to be responsible or on the hook for all of these other fees in here, if so needed? Law Director Graves answered we have a couple of different options in this agreement to go with an hourly rate or a contingency rate and we would be going with the contingency rate. Also, a lot of the expenses that you note in here are related to them actually obtaining the judgement. In other words, we could just turn it over to them and let them get the judgement, let them go to court. But we have already done all of that. Councilman Smith stated I just want to make sure that we are not going to be on the hook for all of these other charges because then... Law Director Graves added there are going to be some nominal expenses; copying and things like that. Councilman Smith clarified so it is not just contingent

3088

Council November 14, 2017

on X amount, there are going to be other fees acquired throughout the process. Do we have an idea or are we just like an open checkbook? Law Director Graves answered we would have to authorize daily expenses, they would contact us and say, well we have got copy fees and things like that. It is going to be nominal, like I said. \*Motion by Kovach/Second by Gee to accept the report. Yeas All.

**CITIZENS COMMENTARY:**

**Ed Rinderknecht, 4669 Edgewater Drive** read into the record, this regards Dollar General. Dollar General entered into an agreement with Sheffield Lake on May 15, 2013 resulting there be granted approval by the Zoning Board of Appeals to build. That agreement was recorded and transcribed the city, of course. The key elements of the agreement concern the lighting; exterior and interior as well as specific hours of illumination. These issues were crucial and remain crucial since the store is surrounded on three sides by a residential neighborhood. For 11 months since last January of this year, Dollar General has openly violated their promises and obligations under that agreement. There is no question that they clearly understand the specific violations as they have acknowledged them by email. Clearly the most offensive and intrusive of the lighting are the outward facing LED lights in the front of the building. This type of lighting was specifically forbidden by the city and frankly, it must be removed. Since January, 11 months ago, I have sent, received or been copied on 16 email messages regarding these violations. I have appeared before city council, tonight included on 3 different occasions this year pleading for simple compliance. We are seeking special treatment, we are only asking the city to immediately enforce the agreed terms promised by Dollar General. I respectfully suggest that if you would suspend Dollar General's business license until they come into full compliance these problems would likely be resolved in a matter of hours. Please understand these continued violations are completely unacceptable and frankly, our patience is nearing a rapid end. This city, we plead with you that you must demand immediate compliance from Dollar General and hopefully, this will be done of your own volition. He submitted the 16 copies of emails, including those from the city back and forth to Dollar General since January where they clearly understand what they are doing. Here is the entire agreement and here is the abbreviated agreement. Please help us. Also, the photos Rick, there were 8 of them were attached to your emails that I sent to you this month and last month.

**UNFINISHED BUSINESS: None.**

**NEW BUSINESS: None.**

**ORDINANCES AND RESOLUTIONS:**

Council#068 – EMERGENCY – an ordinance authorizing the hiring of Weltman, Weinberg & Reis., L.P.A. to assist the Director of Law with the collection of a judgement obtained by the City and the declaring of an emergency.

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

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

3088

*Council November 14, 2017*

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

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

**Ordinance Passes#67-17**

Council#069 – 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: Erdei, Cizl, Stark, Wtulich, Kovach, Smith.

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

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

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

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

**Ordinance Passes#68-17**

Council#070 – EMERGENCY – a resolution authorizing the City of Sheffield Lake and the Sheffield Lake Police and Fire Departments to accept and approve the donation of five thousand dollars from an anonymous donor and the declaring of an emergency.

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

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

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

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

**Resolution Passes#69-17**

Council#071 – FIRST READING – a resolution authorizing the Mayor to enter into an agreement with the Lorain County Office on Aging and the declaring of an emergency.

**COUNCIL PRESIDENT:** President Rosso reminded Council, we are going to be meeting December 5<sup>th</sup> and December 19<sup>th</sup> which is the first and third Tuesdays instead of the second and fourth Tuesdays due to the holidays. Clerk Fantauzzi advised a public hearing for the 2018 Budget is at 6:45 pm on December 5<sup>th</sup> prior to the Council meeting at 7 pm.

**MEETING ADJOURNED:** With no further business before this council, \*Motion by Kovach/Second by Erdei to adjourn at 7:46 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

*Council November 14, 2017*

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*

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COUNCIL PRESIDENT

*Rick Rosso*

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MAYOR

*Dennis Bring*

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 November 14, 2017.

