

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
March 13, 2018**

The regular meeting of the City Council was held Tuesday, March 13, 2018. Council President 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, Kovach, Gee, Stark, Erdei, Cizl, Wtulich, Radeff, Mayor Bring, Finance Director Smith, Superintendent Hastings, Law Director Graves

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 meeting of February 27, 2018 with any noted corrections. Yeas All.

CORRESPONDENCE:

A) Monthly report of court receipts for month of February 2018 - \$2,977.23.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the March 5, 2018 meeting. *Motion by Cizl/Second by Kovach to approve sewer credit in the amount of \$89.70 for 789 Dunny Ave. Yeas All. *Motion by Cizl/Second by Kovach to approve sewer in the amount of \$196.65 for 782 Grantwood Ave. Yeas All. He continued a big thank you to Superintendent Hastings on the \$450,000 grant we were awarded for the retention pond which also includes the work on Day Ditch for Belle, Brockley, Knickerbocker and Holl. to incue *Motion by Kovach/Second by Gee to accept the report. Yeas All. **Safety:** Chairman Wtulich reviewed the minutes of March 7, 2018 meeting. *Motion by Cizl/Second by Kovach to accept the report. Yeas All. **Buildings, Lands, Vehicles & Equipment:** Acting Chairperson Gee reviewed the minutes of the March 1, 2018 meeting. Councilman Erdei questioned now that Rite-Aid called in their own crew to fix that roof, we are not responsible for anything that happens while they are doing it or anymore leaks. How does that work? Superintendent Hastings advised we would still be responsible and a resolution is yet to be determined. He explained the difficulty that I am having is that they have a management staff that is off site, I think out of state and they have several representatives that contact me as well as the store manager and because of the severity of this one, some kind of district manager. That is my point, I was trying to illustrate the difficulty but we are still working through the process. The leaks are stopped currently which was

Council March 13, 2018

our main problem while we research our replacement or repair options.

Councilman Erdei asked on the work that they have done, did they give you any kind of a figure for that? Superintendent Hastings answered no, I have asked for a single source representative to talk to about those issues and I have yet to receive anything. *Motion by Erdei/Second by Cizl to accept the report. Yeas

All./**Ordinance:** Chairperson Gee reviewed the minutes of the March 1, 2018 meeting. She advised of attendance of Fire Chief Card with concerns and dangers of open fire pit fires and/or barbecue grills on apartment building balconies. After a lengthy discussion, we directed the Law Director to draw it up to send to

Worksession for further discussion. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**Finance & Audit: None./Council Representative to the**

Joyce Hanks Community Center: Councilperson Gee advised Senior Round Table Community meeting scheduled for April 9th @ 6:30 pm./**Council Representative to the**

Park Board: None./Representative to the Planning Commission:

None./Council Representative to the Zoning Board of Appeals: None.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring advised correction on the gas for the unit for the Laundromat, that has still not been resolved. The unit that they were talking about was for Goodwill, up above there but the other part has not been resolved. He continued on the part that Mr. Wtulich talked about with the girl that fled to Florida. We have her in jail in Florida and will extradite her back. The other part that Mr. Wtulich talked about, the digital radios have been taken care of as of yesterday. The clarity is 100% better as they tried it in buildings that they could not get any reception and everything came through crystal clear. That was also another grant the Superintendent Hastings got and that was through 3 cities; Avon, Avon Lake and us and that is working fantastic. It took a little bit of effort but very, very pleased with everything. The Planning Commission survey that was done, Ms. Fantauzzi folded and stuffed those things all by herself, over 3000 of them. They have gone out, please have them fill that out and drop off. I would like to thank Kay for doing all of that, that was a big task. We had a final walk-through today and they will have a grand opening on April 3rd. They are going to have a ribbon cutting if any of you guys want to come down and participate in that, you are more than welcome. We have a few more things to do on the outside of the building. In walking through the inside today, it is really a nice store. I talked to them about how they do their process with donations and stuff, it is pretty amazing what they go through and how they do that. They take donations, the clothing for example, for a certain period of time they can't sell it. They actually send some of that to Canada to try to resale that. If it doesn't resale there, then they bulk it up and ship it to India where they shred it and make new clothes out of it. So, Goodwill is doing something beneficial, but you think about all that stuff being in landfills and they are actually reusing all of it. They take everything except for little kids toys because of those toys have recalls from lead paint but they take just about any kind

Council March 13, 2018

of books or anything like that. So, if anybody has anything, please bring it down for the donation. Law Director Graves explained the Good Samaritan law, this is an existing law that as signed into effect by Governor Kasich and is designed to encourage folks who are having an overdose situation or other drug related medical emergency to call 911 for help and not be afraid to call 911 and suffer criminal prosecution for possession of heroin or opiate. So, we have to deal with that and what it boils down to is if there is a 911 call reporting a drug overdose or a drug related medical emergency, this has to be a misdemeanor or a fifth degree felony offense which is the least severe felony. So, any misdemeanor or up to a fifth degree felony there is immunity for both the 911 caller and the person who is experiencing the situation if they are a qualified individual. The qualified individual means that as a result of that emergency they are only allowed 2 times, so 2 bites of the apple and the 3rd time there is no immunity. They can't be on any type of probation or other community control sanctions. They have to seek a drug assessment or screening or referral for treatment within 30 days of the call coming in. So, what it boils down to is if we have a situation like that drugs are found at the scene, we are probably going to continue to charge which is what I have told the Chief, we are going to continue to charge for that offense. If at some time in the future they do turn out to be a qualified individual because of what they have undertaken, we will just dismiss the charges. It presents difficulties in keeping track of whether or not they have followed up on this treatment and it also creates difficulties in trying to determine who has had their 2 previous immunities. But it is something that we deal with and we continue to apply the law. Mayor Bring advised it is just a little bit frustrating on our end because we try to do our job and then something like that happens. Yes, you want to give everybody a chance but when you find the heroin and needles in their possession and you can't really do anything about it and then to keep track of it all is more work for our Police Department. Law Director Graves added this only applies to a possession charge. So, for example, if there was in any evidence ceased to a possession charge. If it is an OVI charge, that would be fined, an OVI related to a drug overdose. Any other type of charges related, it is just the possession charge that there is immunity for. Councilperson Stark stated I am sure that we have all heard that Mr. Snodgrass, the gentleman who was a sex offender that had issues and he didn't tell our county that he was a sex offender yet a 2-year jail sentence. But in a case like that, when he gets out of jail can we stop him from moving back into Sheffield Lake? Do we have anything on the books to protect the city from him moving back in? Law Director Graves answered no you cannot ban registered sex offenders from living in your community and you really can't effectively ban them by zoning them out. We in Sheffield Lake do a very good job and I want everyone to understand that, in monitoring the registered sex offenders in our city. I receive a monthly report from the Police Department making sure that they are not only registered with the county but we also require a local registration and we also have our ordinance which prohibits them from living within a thousand feet of any school or the

Council March 13, 2018

library or any of our parks. We take an aggressive stance on enforcing that and as a result of that, the report I just got the other day we are down to only 7 in the entire City of Sheffield Lake which is pretty low. One of the lowest that I have seen in the last several years. You can't prohibit them but we do monitor them and in the case of the individual that you are talking about, from my understanding he is going back to prison for a period of time. So, he would not be our concern until he is released and decides to move back into the city and then we will decide whether he is prohibited residence and if so, we will go after him. Councilperson Stark stated for the record, I know that that was Lorain County and not the City of Sheffield Lake that did wrong in that circumstance. I just wanted to make sure if he did try to come back afterwards. Councilman Erdei asked did you get a time for the grand opening of the Goodwill? Mayor Bring answered 9 am. Councilman Kovach stated we have done all this construction over there for Goodwill, what about the roof over that portion of the building? Superintendent Hastings answered it is in fair condition, no active leaks and the ballast that is on the top is all good. The only thing and I was just up there again today because I have been reviewing all of the Shoreway roofing. The flashing on the parapet walls will need attention in the near future. So, that will be our current focus but admittedly to your question the entire roof of Shoreway is aged and some are worse than others with repair quantities that they have done. Mayor Bring advised we did put a gutter on the back of the Goodwill too because the existing gutter had a hole about every 3 inches plus the downspouts were running to nothing, there was no pipe back there. So, now, we have installed a pipe and run that to a drain and it made a big difference. The gutter alone stopped all the water from leaking over top of the doors and everything. The roof is something that we have been working on. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./

SUPERINTENDENT'S REPORT: Superintendent Hastings reported I have 4 quick items. One was the Mayor had tasked me with researching the engineering potential at Harris and Ferndale, those particular roads are not state routes. They are eligible to receive federal funds and so I was hopeful to get some reviews at the state level but that is not panning out. Our civil engineers turned me onto traffic engineering out of Twinsburg. Those quotes are coming in at about \$5000.00 and to conduct the study would include everything from traffic counts to accidents to the dynamics behind the accidents. So as I am preparing these quotes I am also getting some standard equipment that you could address situations like this for the price, such as; flashing LED stops or advanced warning signs and such so that the Mayor and the decision making process could include a.) installing some equipment immediately or b.) having a study done which ultimately identify some of this equipment anyway. So, we are still working towards that goal. Along the lines of traffic studies, we did have the completion of a study done at ODOT's project there at 301/Abbe and I have explained that in various committee meetings. It included considerations such as 4-way stops which the majority locally said that probably is not a good idea but it included other things such as advanced warning bright sticks on the stop signs and

Council March 13, 2018

the acknowledgment of the journalized speed limit at 40 miles an hour. That was a 2-step process, one that included our Police Chief and the second one that involves your consideration which the Law Director has in the form of a resolution. He continued the city opened the bids for the annual bid and our apparent low bidders are Lafarge, Universal Oil and then Griffith Paving for the asphalt. So, we are converting their quotes right now, square feet to dollars and I will have that list in front of the Mayor in the near future so that we can narrow it down and award the specific streets. The final thing was we worked together with our engineering to put together this year a formal invitation to quote our boat launch dredging. We identified our long standing permit with the ODNR, the elevations that were determined during its construction and then some basic components that you would otherwise find in a bid package. So, that it is uniformly available to local contractors with a goal of having it done by April 15th which is what our permit requires. Councilman Erdei asked have you heard anything on the restrooms at the boat launch? Superintendent Hastings answered yes the city signed a proposal, our architect is designing that and we should have it in early April and from that point it will go to ODNR for their review. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Finance Director Smith advised I just want to reiterate to our residents now that it is tax season, there is a lot of people calling trying to scam people on the phone. The IRS, State of Ohio, Regional Income Tax will never, ever call your home and ask you any information. It will never happen, they will always put it in letter form. So, if somebody calls and says they are from the IRS, please just hang-up the phone. Please don't think you are being rude and you are not going to get in trouble. Just hang-up the phone, they are there to scam you and the identity theft right now is just skyrocketing but they prey scams on anybody that will answer the phone and talk to these people. As soon as they say I am from the IRS and you owe money – click, do not answer the phone. If you have gotten any of these calls, I would suggest you call our Police Department so they can investigate it. Councilperson Stark stated they call your cell phone too because I have gotten a couple of them. Finance Director Smith stated which is another good point, the IRS does not have your cell phones as they don't request it on any of your forms. The only time they may call you back is if you call them but you would have to initiate the contact with any of those departments. *Motion by Gee/Second by Kovach to accept the report. Yeas All.

CITIZENS COMMENTARY: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

*Motion by Kovach/Second by Erdei to enter into an executive session for the discussion of collective bargaining negotiations.

Council March 13, 2018

ROLL CALL TO ENTER INTO AN EXECUTIVE SESSION: Yeas All – Stark, Wtulich, Radeff, Kovach, Gee, Erdei, Cizl.

*Motion by Kovach/Second by Gee to return to regular session:

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

ORDINANCES AND RESOLUTIONS:

Council#005 – THIRD READING – an ordinance amending section 139.02 of the codified ordinances of Sheffield Lake regarding the Director of Public Service.

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#9-18

Council#006 – THIRD READING – an ordinance amending Chapter 931.03 of the codified ordinances of Sheffield Lake establishing the monthly sewer rental rate for the Municipality and the declaring of an emergency.

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#10-18

Council#011 – FIRST READING – an ordinance amending section 935.22 of the codified ordinances of Sheffield lake regarding backflow prevention devices and cross connections control and the declaring of an emergency.

Council#012 – EMERGENCY – an ordinance authorizing the Mayor to enter into an agreement with the Fraternal Order of Police, Ohio Labor Council (ROP/OLC), 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, Gee, Stark, Wtulich, Radeff, Kovach.

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#11-18

Council#013 – FIRST READING – a resolution in support of and partially adopting the Ohio Department of Transportation’s 2018 operational study for State Route 301 and the declaring of an emergency.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:49 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 March 13, 2018

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

COUNCIL PRESIDENT

Richard Rosso

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 March 13, 2018.