

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
May 15, 2018**

The regular meeting of the City Council Worksession was held Tuesday, May 15, 2018. President Rosso called the meeting to order at 7:08 PM.

ROLL CALL OF MEMBERS:

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

Attending: Concerned Citizens, Members of the Media

PRESENTATIONS: None.

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

ROADS & DRAINS: Chairman Cizl advised we met last night and I will have a report for Council. In the meantime, we are contemplating the possibility of moving our Roads & Drains to the second Monday of the month. I told Kay we will try it for a couple of months and see if it seems to help the Water Department with the billing. The first week of the month is a bit hectic for them and then we have Roads & Drains so I said let's try it for a couple of months and see how things go and see how it helps everyone./**SAFETY: None.****BUILDINGS,**

LANDS, VEHICLES & EQUIPMENT: None.**ORDINANCE:** Chairperson Gee advised we have been talking about the **front yard fence/ornamental fencing**, everyone is aware that we have a location on Lake Road that a gentleman used what looks like tin roofing to create a fence. So, the Law Director has been getting ready with some stuff for us to go and redo the ordinance for decorative fencing. At this time, I wanted to find out if anyone had any opinions on what they would like to see in that ordinance or what their feelings are about the front yard fencing. President Rosso asked what is the concern about the one on Lake Road with the metal? Chairperson Gee answered well, it is supposed to have openings in it and it does because it doesn't cover the driveway but have you drove past it, the tin fencing? President Rosso answered yes, personally I like it. Law Director Graves advised I think you raise a valid point and I think that it is one of the problems that Council has had throughout the years when you are trying to address the fence issue in that there is a wide variety of opinion on what looks good and what doesn't look good. You can't legislate personal opinion on fencing. So, what they have tried to do in the past is try to be general and talk about just general standards and specifications. Currently, for front yard fences, the threshold statement is there is no front yard fences allowed and then it goes onto to say you can have a fence in

the front yard that is not a fence but resembles one if it is no higher than 36-inches does not enclose. That is as far as it goes. I think Ordinance is just looking to see if they want to tighten that up at all, some communities have language for a certain percentage of open space in their fence but I think when Chairperson Gee says it is open, it doesn't enclose the yard/it doesn't have any open space in the fencing itself as it is a solid material. So, that is just something that they are considering. Again, I think you are right that you really can't get into describing what looks good and what doesn't. It is a matter of opinion. President Rosso stated several years ago, we were at just the opposite end. You weren't allowed to have stockade fence, it had to be board-on-board and at the time it was so specific that the statement was made, hey they just years ago went through a Home Depot flyer and said, I don't like that one, I don't like that one, etc., then the rest were left. We then took that out because why can't you have a fence and in that ordinance which I think that we removed then that there was a time where you get a front yard fence. He continued not only did it have to be 36-inches or less, I think it had to be reviewed or okayed the Police and/or Fire Chief's and maybe the Service Director. We also took that out so, it swung to very restrictive to now being open and I don't know if we want to make it too restrictive again. As David said, you cannot legislate good taste. Chairperson Gee stated in the one from '78 where you were talking about where the restrictions were with the Police & Fire Chief's and the Building Inspector and Safety Director, that was overboard. But part of it made it clear that fencing needed to be done with fencing material and galvanized steel isn't fencing material. President Rosso asked why, it's a fence, what defines fencing material/it's panels between 2 posts? I am just being devil's advocate. I could build it with stone, brick, etc. Chairperson Gee stated the old ordinance had it limited to chain link, wire mesh or any material or structure method which is determined for fencing. I was just wondering if we have to address this before more are done, like you pointed out just now, somebody can take hay bales and build a fence and just leave gaps between it. President Rosso stated I think in that case it has to be permanent, somehow fixed with post? Law Director Graves stated I have no idea, a lot of times they used hedges into the concept of a living fence. I know we have a lot of homes in town where you have front yard hedges that are well exceeding 36-inches. It is a tough conversation, also if you get into people putting just the individual panels, maybe it is not a fence but then you start to look at it as is that an accessory structure which is also not permitted in the front yard. Chairperson Gee stated all of these ideas are why I am asking Council's opinion so maybe we shouldn't move forward at all on this. Law Director Graves stated there was a period of time that it felt as though Council was revising it almost every year, it was an annual change. It really had a lot to do with what various people thought looked good versus what others thought looked good and the consensus at

the time was to try to get away from personal opinion and just start to describe the dimensions/parameters of what was going to be allowed in the front yard because front yards you want to maintain a certain aesthetic attraction to the front yard of the home and you don't want a stockade style fence in your front yard. Almost every community has some form of front yard fence restriction and I think we are just trying to figure out what is appropriate for Sheffield Lake. Chairperson Gee stated I was debating on the fact of maybe having, if someone wants a front yard fence that could go before the Planning Commission since the Planning Commission helps us with the looks of Sheffield Lake. So, maybe they could review it and say yes or no or give their recommendations or their ideas.

Councilman Radeff answered I am not a fan of that idea per say because I don't want individual people deciding what looks good and doesn't. It is one thing to say you can't use specific material but say now I can use this material and it can look however it wants as opposed to this person is using this material and it looks good and the ordinance says yes but someone else uses the same material and it doesn't look as good and they say no. So, I am just not a big fan of that idea and personally I never really pay attention to fences too much because it doesn't bother me either way. I understand both sides of the concern but I am also the same concern in 10 years, is the next Council in 10 years going to want to switch it back to less restrictive. I just don't want to keep moving back and forth. Councilman Wtulich stated I am for leaving it less restrictive. Chairperson Gee continued David had brought up **129.11** the fact that we are rededicating the road and doing the property behind the shopping center in regard to the storage condo's. I was wondering if he could give a brief explanation of why 129.11 needs to be redone. Law Director Graves explained we have a provision in our code that came to our attention that was passed in 1992 that requires that any sale of public property regardless of the fact that by law it has to be publicly bid for a minimum of 2 weeks and only sold to the highest and best bidder, despite that we have a provision that says it can't be sold for anything less than 60% of 3 times the tax market value which is an odd calculation especially when the city maintains the right to set a minimum bid and to decline to accept any bid on that property. Again, we are required to only sale it to the highest and best bidder. So that provision is a little strange, something that the Council could pass and any sale of property of course would require legislation and that could treated as an exception to that. It is something that Council should look at and recommend revising. He continued the second part of that ordinance provides that any proceeds from the sale of public property must be deposited into a real property capital improvement fund. So, we would be limited as to where we could put those proceeds and only use it for the development of other public property. So, that provision is a little bit problematic especially if we have a proposed sale of the shopping center or portions of the shopping center. I think the

city would like the flexibility to deposit those proceeds into the general fund and used in the most appropriate way. So, we are asking Council to consider repealing at least section (b) and to take a look at section (a) as well. President Rosso stated that is a very good point, I never looked that far into the future in selling the shopping center would tie it up. I was just looking at hey, if we sold this we could spend it and fix up the shopping center but if we sold that. Good point David. Finance Director Smith stated it would give us the flexibility depending on what we sold it for to pay down the note or you know, there is a lot of property that needs repaired but that would stop us from doing that. Law Director Graves explained again the calculation and advised I don't know who came up with that. Councilperson Stark stated the way it is now, if we sell an investment property it has to go back into another investment type property is how it is worded? Law Director Graves answered it has to be deposited into a real property capital improvement fund. So, we would have to use those proceeds to develop other public lands. We couldn't use it for any other purpose. President Rosso added you could spend it like in a park, any city owned property. But we couldn't go out and buy more land to do something else. Law Director Graves advised you couldn't use it to buy a plow truck or anything. Councilperson Stark stated from a banking standpoint they are calling it from an investment to an investment.

FINANCE: None./PARK BOARD: None.

*****ADMINISTRATIVE*****

MAYOR: Mayor Bring advised Saturday is Pride Day, so make sure you tell everybody. Everybody put their stuff out today for bulk day which is not scheduled. So, we are going to have to tell people to take it back in. The camera's that were installed over at Ferndale are working very well and then today the camera's for Shell Cove went up. They are able to watch that in the Police Department now. We went out and bought another LED TV which was very inexpensive and we added that to the other two TV's in there so, that will give us a real good view and monitoring. I will tell you that one of the Officers was just there and I asked him because since we put the camera's up, there is not the amount of kids down there playing so I asked him if the kids realize that the camera's are up. He said oh yes and they are not happy so I asked him why? He answered well the kids that don't care are okay with it but he said the other kids don't want to be watched. So, I asked him what kids are those and he answered the kids we don't want down there. But I am just telling that they do know what is going on and it is kind of interesting. So, they are working quite well. He continued Mr. Hastings is going to talk to you about Shell Cove which we have been talking about the terrible erosion issues and he will update you with what is going on with that. Law Director Graves asked are we looking for volunteers for Pride Day? Superintendent Hastings answered yes, 8 am to 2 pm with a good

portion of the volunteer's assembly about 8:30 am to be shipped out to the different parks. We have brought in mulch and flowers, depending on the quantity. We will get a cab trailer from the county as well with equipment and tools.

/SUPERINTENDENT: Superintendent Hastings reported as we have discussed before in various committees, the new deck at Shell Cove Park we have lost approximately 8 to 12 feet of land in front of it. The piers are exposed and I have met with the state out there and consulted with Bramhall Engineering and I am happy to report that we were able to expedite a temporary shore structure permit copied with the Office of Coastal Management, ODNR Real Estate, Ohio EPA, US Army Corp of Engineers and this is a big deal. I wouldn't be surprised if we are one of the first in the state as the state is responding to very high water levels and storm conditions over this past winter which played havoc along the shore. So, they recently developed a program for temporary shore permit where you are allowed to work in the water and you get an exemption for the spawning which you are not allowed to be in it after April 15th with the caveat that you produce engineered plans for more permanent application within 2 years. The Mayor was copied all of these permits at about 5 pm today. So, we are moving along rapidly and the problem is I will need some assistance with the Finance Director at least for my part. She wrote the budget in 2017 and we were working on a number of grants; boat launch restrooms are going out and we have matching funds for that and some other grants that we were finishing up and point being, we did not earmark for the emergency response of the erosion. So, we are considering a few strategy's for Council's consideration. I had applied for this exact type of work to the Office of Coastal Management on a grant but it was denied for a project that they didn't wish to fund and ironically within that same 12 month period we are back at them. So, I believe there is some appropriation considerations that maybe Tammy could explain. Finance Director Smith advised I will put that before you next Tuesday along with the appropriation for O'Toole. So, you will see that next Tuesday and I am confident the money is there and that shouldn't be an issue. It is just too important with that brand new deck in that park, it is so gorgeous that I don't think that we should risk not fixing it. I will have that for you Tuesday and that will give him plenty of time to get everything moving rapidly before it gets worse. Superintendent Hastings advised the only other thing is I am hopeful that the Law Director will bring up our Community Road dedication, that is another topic that I have been working on with the city. I will be happy to support any of Mr. Graves comments for something that is very important down there at Shoreway for potential developers. You know, infusing public funds into a terrible roadway and terrible infrastructure down there and we are just at a crossroads now where we need approval from Council to move forward. Councilperson Stark asked question about our trash cans and recycle cans, we have had this now for a

while. Is there a way or what website would somebody need to find if they needed to have one replaced who would they contact if they have been damaged?

Superintendent Hastings answered I just recently reached out with the Director Dave Kidder because it is a growing question and I did not get a definitive answer and instead he asked to see the Law Director and the Mayor and myself to explain the burdens of recycling, the current industry. Mayor Bring advised the recycling is not being bought and they are losing money. They are in the business to lose money so they want to have a conversation with us and they are going to discuss whether they are going to keep that program, reverse the program or what. That is the conversation the three of us are going to have with them coming up.

Superintendent Hastings advised we are arguing on the side of the residents obviously. It used to be very easy to get a can replaced but it is a little more challenging now. Law Director Graves advised our current contract is good through April of 2020. So, the residents just experienced a 3% increase, we adopted the current agreements of the contract about 4 or 5 years ago and overall it was really good, many years no increase and certain years there is a small increase. So this happens to be one year which is May of 2018 where there is a 3% increase and there is no increase for 2019 and then it would expire in April of 2020. So, that is our current contract and we are meeting with him next Tuesday morning and we will see what he has to say. Councilman Erdei stated Pat, on that trying to protect Shell Cove Park, are you going to try depending on how much money we can allocate, are you going to put concrete boulders across there or are we going to pour concrete for a permanent fix? Superintendent Hastings answered the temporary fix is armor stone the size of deck, thousands of pounds but then there will be a much greater plan over the entire property which I do have some rough drawings and I would be happy to share with you. Basically, it will be very similar to what you see at the boat launch, various size limestone but our immediate response will be armor stone. I am guessing they are 6 to 8 tons a piece per boulder. You are talking about an emergency response of 35 to 50 thousand versus a greater plan of approaching 200 thousand. Law Director Graves advised I would like to just touch on a legal issue which is there is a difference when it is property on the lake between erosion and evolution, erosion is a slow gradual wearing away over time. The property that is lost to the public trust through erosion is lost forever. Property lost due to evolution which is a sudden catastrophic failure usually during a storm event is always reclaimable and is not permanently lost and something like 90% of property lost along the lakefront is due to an evolution event. That is exactly what happened here. So, despite what the state might say this is not erosion, this is an evolution event and the city absolutely has the right to reclaim that lost land. So, we will maintain that position.

Councilman Cizl asked Pat, is there any plans because I know the sign at Shoreway

was taken down and Goodwill has theirs up. Superintendent Hastings explained there is a WIFI issue and it was hacked and we are going to remove that equipment which I need a technician but the plan is to mount that on the ground with stone pillars on either side and admittedly not a high priority. We just recently settled with Verizon charge at the tune of a thousand dollars a month in stolen WIFI. Councilman Cizl continued with the garbage trucks, when we did the contract was there any discussion in regards to how the garbage trucks beat up our roads? I noticed a lot of our blacktop roads are crushed and I know it is from the garbage trucks. Law Director Graves advised that was actually one of the arguments several years ago when we transitioned to the cart program, that it would enable them to use smaller trucks then what they had used historically and should result in lessor impact on our roads. I don't know for certain, but my understanding was that now that the carts are smaller that they weigh less than the old trucks which should be less impact on the roads. Councilman Radeff asked could there be a smaller or lighter can? I know that I have had a couple of elderly people ask me if that was possible just because they have trouble taking it up and taking it down? I have heard that in some cities you can get a smaller can, I didn't know if that was a possibility? Superintendent Hastings answered yes, it is. Councilman Radeff asked who would they contact for that? Superintendent Hastings answered Republic Service. Mayor Bring advised I think that there is actually a couple of people Rocky that don't have the carts, they were allowing those people to still put bags out. I think there is actually only a couple of people that actually have that. I think there is one on Cove Beach and one over by Leanna some place.

/FINANCE DIRECTOR: None./LAW DIRECTOR: Law Director Graves advised I did pass out a Community Road dedication plat that was prepared by Bramhall Engineering. Community Road was actually vacated way back in the late 50's when they built the shopping center. As part of the construction of Shoreway Shopping Center the city vacated that portion of Community Road but is still utilized as a road. But in light of some of the grants that the city is working on and also the proposed development of the parcel to the north of the bowling alley and south of the Speedway it would probably be in the city's best interest to rededicate Community Road. So, what we have here is a proposal and if you look at it, everything is fine and it is wide enough in all portions to be dedicated as a city street. If Council is on board, we would be bringing legislation at the next Council meeting to start that process of dedicating that road. You will note that the southwest corner of the Speedway parcel does encroach a little bit into the proposed right-of-way, that is the total right-of-way and again, the paved portion will be wide enough to do 2-way travel. At some point, we will probably want to address that issue with the Speedway parcel. President Rosso asked what exactly is the process to rededicate a parcel or has it already gone in front of any Commission

or Board? Law Director Graves answered this has already been presented to Planning Commission who reviewed it and I believe they did approve, Pat? Superintendent Hastings answered yes, both in Planning as well as the lot split. The lot split is kind of contingent logically on the rededication because all the surveying is tied into one. If Council chooses, we could separate it and go back to the drawing board and get more surveying but really logically you would do the lot split first for the potential sale and that has got a lot of hurdles and then the rededication of the road. But the Planning Commission agreed to both. Law Director Graves advised Planning and then Council and if Council approves as a dedicated road then the dedication plat would be presented to the county for recording on the county records as a city street. Then we would maintain responsibility for that plowing and etc. Anything involving roads is subject to mandatory referral to Planning Commission per the Charter.

/COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Amending 169.01 regarding the bonds.

Appropriations

Rededication of Community Road

Nature Works grant (playground equipment/resurface basketball courts

Laundromat – terminate contract

MEETING ADJOURNED: With no further business before this council, Motion By Kovach/Second by Erdei to adjourn at 7:43 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

WORKSESSION of May 15, 2018.

MAYOR

Dennis Bring

COUNCIL PRO TEM

Steve Kovach