

**MINUTES OF THE CITY COUNCIL
SHEFFIELD LAKE, OHIO
May 28, 2019**

This regular meeting of the City Council was held Tuesday, May 28, 2019. Council President Richard Rosso called the meeting to order at 7 pm.

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

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

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Gee to accept the minutes of the May 14, 2019 meeting with any noted corrections. Yeas All.

Council Worksession - *Motion by Kovach/Second by Gee to accept the minutes of the May 21, 2019 meeting with any noted corrections. Yeas All.

CORRESPONDENCE: Monthly report of court receipts for month of April 2019 in the amount of \$2,641.24.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl advised we met last night and because there was a number of people that were absent, we approved the minutes and closed meeting./

Safety: Chairman Wtulich reviewed the minutes of the May 1, 2019 meeting. *Motion by Gee/Second by Cizl to accept the report. Yeas All./

Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance: None./

Council Representative to the Joyce Hanks Community Center: Representative Gee reported on the minutes of the May 13, 2019 meeting./

Council Representative to the Park Board: None./Representative to the Planning Commission: Representative Radeff reviewed the minutes of the April 17, 2019 meeting./

Council Representative to the Zoning Board of Appeals: None.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reported I know that Mr. Wtulich and some others had received a letter and I am going to address that now and it is about one of our streets over there. We have Knickerbocker, Brockley and those streets over there and this particular street was Brockley. We had a person and I know who it is who has moved out recently and they sold their house and she was upset with the area. Some of it is worthy of talking about but for the most part right now with the rain and everything that has been going on, there are several properties with high grass. I talked to the property maintenance person and he is sending out 30 letters

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next week on various things. The one house that was in the letter, it does need a new roof and it does need siding and/or painting and that person will be getting a letter. As far as the cars parked over top of the sidewalks, at any time when somebody comes over to somebody's house, if they pull in and it is a small driveway we do not ticket people for parking over the sidewalk. If they do it continuously and kids can't get by or people can't get by and people can't walk then we will go over there and ask them to move the car. We try to do a warning first before we do a ticket. As far as the garbage cans, I asked the property maintenance person about that and he has been checking into it. He said as far as he knows he has been checking it by the last couple of months and the one resident that was mentioned, he said at most it has been out there 3 days. Is that a violation, yes but we also have several other people that are in the same thing. So, what I am going to do I am going to have Lisa put that on the water bill and once on the water bill for a month then I will have him go around and tell people to put them away. He continued at the Civic Center, we have had the couple that reside next to the Civic Center complaining about the new addition and they have now taken task to calling when we have parties over there about the noise ordinance. I had the Police Department go out and buy 2 new decibels meters so that we can test this, Mr. Graves will probably on his report explain the ordinance and what he had found in the ordinance and we are not in violation of anything. They are very upset about the addition as far as how big it is, the angle that it is on and where the dumpsters are which is temporary and several other issues. So, this is how they are going to get back at us as far as calling in a noise ordinance violation but we will take care of that and I will have Mr. Graves explain a little bit. We had a gentleman that into our railing at the Police Department and that came out to \$3,460.00 I believe and they actually got ticketed and paid cash for that. So, that will be fixed. We reached out to somebody for doing some leasing over at Shoreway and we are still actively looking at putting a bank over there. Then also filling a couple of other spots over there. So, we do have a person that we are going to talk to and see if they can help us out on that. We have an opening on Planning and we also have an opening on Zoning Board. If anyone has anybody that they can recommend, I would like them to call me. Finally, Pride Day is Saturday which I think is from 8 am to 2 pm. So, if anyone wants to get rid of their rubbish we will accept that but we do not take oil, tires, batteries or paint. But we can pretty much throw anything else away.

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

/SUPERINTENDENT'S REPORT: Superintendent Hastings reported quick update on our projects since I wasn't able to make the meeting last night. We are tentatively scheduling for May 17th for the starting of the bid on Harris Road water line and road rehabilitation which is still on track for July start and estimated to be through October. The Mayor signed the resolution and contract with ODOT and we sent all that paperwork in along with the city share. All told the city was able to pay a major portion of that through our grants and actually the Village benefited through our efforts to the tune of about \$72,400.00 because we are going to stretch

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into the Village a little bit on this project so that the transition is good. The contracts have been signed for the sewer relining and that should start in June. The pump stations are nearly complete and now SCADA in place which is computer interface and we can see how the pumps are working remotely. We can control them; see the oxygens, the volumes, the levels, everything. Just some minor electrical work and that will conclude. The Watershed Project does actually have a resolution or an ordinance for your support. Basically, the city has already started the engineering hearing on that but the Mayor has the contract to sign with ODNR and I believe that is with your approval as well, if I understand that correctly. The TLCI project which is the walkway from the Covered Bridge to the Boat Launch including pedestrian crossing has been programmed by ODOT and our first meeting is scheduled for June 13th. So, that will be on track and we are certainly cognizant of a schedule as not to impact Community Days. Next year, we anticipate starting in May and being done by the end of June and maybe a little bit earlier but we certainly have that in mind. *Motion by Gee/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Finance Director Smith reported in your packet you have the 2019 balancing report, I see that is under Law Director Graves but I am sure that is for me. Also, I have been working with the State of Ohio Auditor's on our annual audit of 2018 and that is going along very well. Our financial statements will be done by the end of this month and that goes to the state and they audit those as well. Hopefully, it will be a smooth audit this year and we should be done in a timely manner. I know they were here much longer then they should have been last year, not to our fault but it is a lot of extra work when they are here, I appreciate when they button it up. *Motion by Gee/Second by Cizl to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported on the sound issue at the Community Center, I think it is important to note that this is a facility that is designed for special events and the city issues licenses if you will and people rent the center with the expectation that they can have wedding receptions, graduation parties, etc., where there is going to be a band, where there is going to be a DJ. It is not the same as noise coming from a single-family residence. The noise ordinance, various sections of it make reference to exceptions to the noise ordinance where they are given permission by the Mayor or his designee and arguably that would apply here since they have actually leased the facility from the city for that particular purpose. Nevertheless, we are going to monitor it for excessive and extreme noise and we will be on a complaint driven basis utilizing the decibel meters. The permissible decibel levels are in the ordinance from the time of 9 pm to 7 am is 50 decibels that would be enforced when it exceeds that by 5. So, it is 55 decibel's as measured from across the property line. So, it is the neighboring property to see if it exceeds 55 decibels and then the Police could potentially give them a warning but again that would be on a complaint driven basis. The expectation that it would be only in extreme situations because again, it is a rental hall that the city rents for these particular purposes. So, that is the plan from the Mayor along with the Police

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Chief. He reviewed the legislation on the agenda. On Council#022, this is the eighth amendment to the contract with Republic and the initial question would be why is this with BFI, this has been reviewed by their Law Department and I did confirm once again today that they operate... it is one of the things that you see in these large corporate structures where you have many different wholly owned subsidiaries operating under DBA, different entities in different states. You know, Republic is a huge national corporation. So, anyway, the entity that we contract with in Ohio is Brown-Ferris Industries of Ohio, Inc., and that is the name on the agreement. This would be an agreement for 7 years with virtually no change in the service that the city is receiving. They are still going to collect the unlimited yard waste from April 15th through to November 30th. They will collect an unlimited number of the bio-degradable brown paper bags and they will also collect properly bundled branches, tree limbs, etc. They will continue to collect all of the recycles that we have gotten used to which includes aluminum cans, bimetal and tin cans, glass bottles of any size or color, plastic food, beverage and food containers; numbers 1 through 7 and all paper and cardboard boxes unless they are contaminated with food waste. So, they do not want greasy pizza boxes or anything with food waste. But other clean cardboard paper they will continue to accept that as well. We will still have one week of the month with the unlimited bulk pickup and continue to provide the roll off dumpsters to the city as well as some additional ones in the event of an emergency. So, it is a 7-year contract extension and the termination of this would be April 30, 2026. The total increase in the rates that they will charge just over that 7-year span is \$3.68 and that is total. They will be reviewing the recycle bins in Sheffield Lake to ensure that they are not exceeding the unacceptable material threshold. He reviewed the exhibits in proposed contract and after a brief question and answer, President Rosso advised in speaking with the Law Director prior to the meeting, we will send out contract and give everybody a chance to review it and in 2 weeks we could pass it and still meet the May 1, 2019 date if they want to. *Motion by Cizl/Second by Kovach to accept the report. Yeas All.

CITIZENS COMMENTARY: None./UNFINISHED BUSINESS: None.

NEW BUSINESS: President Rosso advised as Mr. Radeff mentioned there is a copy of the Master Plan in tonight's packet and this also, I would like everyone to review and discuss in Worksession to see if anyone has any questions or comments. He advised at the end of ordinances and resolutions I would like for us to go into executive session for the discussion of the hiring of a public employee to see if we can make some decisions.

ORDINANCES AND RESOLUTIONS:

Council#021 – EMERGENCY – a resolution approving the use of submerged lands at 4925 East Lake Road, Sheffield Lake, Ohio 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 – Wtulich, Kovach, Radeff, Gee, Cizl, Erdei.

*Motion by Kovach/Second by Gee for ADOPTION:

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

Resolution Passes#20-19

Council#022 – FIRST READING – an ordinance authorizing the Mayor to enter into an eighth amendment to contract with Browning-Ferris Industries of Ohio, Inc. (BFI), and the declaring of an emergency.

Council#023 – EMERGENCY – an ordinance in support of the City of Sheffield Lake Regional Watershed Initiative Project and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#21-19

Council#024 – EMERGENCY – a resolution approving and adopting the Solid Waste Management Plan for the Lorain County Solid Waster Management District and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Resolution Passes#22-19

*Motion by Kovach/Second by Gee to go into executive session for the hiring of a public employee.

ROLL CALL TO GO INTO EXECUTIVE SESSION FOR THE HIRING OF A PUBLIC EMPLOYEE: Yeas All – Radeff, Gee, Erdei, Kovach, Wtulich, Cizl.

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

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

Law Director Graves advised let the record that the City of Sheffield Lake City Council did adjourn into executive session for the discussion for the discussion of the hiring of a public employee.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:59 pm. Yeas All.

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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

COUNCIL PRESIDENT

Rick 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 May 14, 2019.