

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
June 18, 2019**

The regular meeting of the City Council Worksession was held Tuesday, June 18, 2019. President Rosso called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

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

Attending: Members of the Media

PRESENTATIONS: None.

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

ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: Councilperson Gee advised Council 028 is up for the second reading. **FINANCE: None./PARK BOARD:** Councilperson Kovach advised they met last night and there will be a full review at the next council meeting.

*******ADMINISTRATIVE*******

MAYOR: Mayor Bring advised he has nothing for tonight unless there are any questions. Councilperson Wtulich asks what is going on at Idlewood at the bike trail entrance. Are they putting in drainage? Mayor Bring responds: Yes, it was low so they cut the trail out and are putting the pipe in. We will probably end up blacktopping that, if it ever stops raining. We have been going around putting in quite a bit more drain as the water continues to come, it's bad. Councilperson Stark asks: What's the detour for 301 once we get it started? Are we sending them down Lake over to Avon. Mayor Bring responds: They can go 1 way North on Lake, they have to figure it out. Same thing with Harris road. There is still Lake Breeze, Miller, Moore, Irving Park. They will figure it out. **SUPERINTENDENT:** Superintendent Hastings was not in attendance. **FINANCE DIRECTOR: None./LAW DIRECTOR:** Law Director Graves advised he has a number of things, a few pieces of legislation to add to next week's agenda. First is the ordinance authorizing the city to apply for the NOPEC grant. We do it every year, we need to apply. Also, we have a request to rezone 3 parcels on Pleasantview. Currently R1 residential to industrial for the purpose of building a 40x60 storage building for equipment, vehicles and wood. As council is aware, a request for a rezoning begins with council passing 2 resolutions. 1 referring to the planning commission for a minimum 60 days review and giving their recommendation. Second resolution, setting a public hearing at least 60 days out, giving the planning commission a chance to review it. If

everything is recommended for approval, the day of that planning commission could be a first reading of an ordinance formerly rezoning the parcels. It would begin next Tuesday with passage of these 2 resolutions. So I ask those be added to the agenda next week. President Rosso says he will add them. Next, I would like to make council aware we did receive a notice of appeal to the common pleas court of a decision by the zoning board of appeals. This was a granting of a variance on Cliff Dr. for the building of a garage. The neighbors are appealing this. I will keep council apprised. I anticipate zoning board reviewing and possibly adopting some conclusions of fact at their meeting Thursday night. We then have 40 days from the date of this filing to prepare our complete transcript and file that with the court. I would anticipate a briefing schedule from the court and we will be preparing briefs defending the decision of the zoning board of appeals to grant that variance. I will keep council apprised as to that. I want to make sure everyone is aware I will probably be bringing to the ordinance committee, unless you want to bring it to Worksession in the near future, some proposed revisions to point of sale policy. It will be close to the rental licenses. It will be an exterior inspection, we will still require the sidewalk installation or escrow. Exterior inspection only. If we have cause to believe there maybe interior violations, we have the ability to seek an administrative warrant for that. But we have to revise our point of sale ordinance accordingly. The other thing is for years we have been talking about updating and revising our zoning code. The code we have has never really been updated comprehensively since the day it was adopted. It has been through the years revised piece meal, things changed here and there. It has become antiquated and difficult to manage, navigate. I have occasionally gotten calls from attorneys who say the zoning administrator told me one thing but I'm going through your code and I can't find it. I have to tell them, well, you have to read this section, this section and this section and put them all together and then you get the idea. I meet with the building/zoning inspector almost daily, who is in my office with a novel question. So and so wants to do this, how do we handle it, what does code say? It's just really time for the city to consider a comprehensive revision to the entire zoning code. We have met with a consultant who is highly qualified and she has put together a proposal for that work. For a basic cleanup and modernization of the code which would also include meetings with the zoning board, city officials, planning commission. It would just bring it up to speed. It's a modern code that's easily navigable. It would be in the neighborhood of \$35,000. For a more involved approach, more meetings, adaptations and reviews, it could be up to \$47,000. So, I know the residential and commercial building inspector are highly in support of this, superintendent, mayor and finance director. The finance director said there would be funds available if council chose to go forward. And I wanted to put it out there for discussion and I think it's really something we ought to consider doing. Mayor Bring says tell them how long it would take. Law Director Graves

states he believes the whole process will take about a year. It's not something where she's just gonna print out a code and hand it to us. It is a process where she takes her model code and adapts it to our needs. Takes things from our existing code that we like and fits them in. Really adapts it to the needs of Sheffield Lake. That's all I have. President Rosso states make sure we have copies of the legislation and resolutions for the council meeting, so it gets added. Councilperson Gee asks about the costs. Does it have to be all paid at once? Finance director Smith states no, it would probably be combined out of a couple budgets, it would lapse over. If we contracted her it would probably start before the end of this year and would lapse into next year. It could even go into 21, kind of like an ongoing professional service. Law Director Graves says I did have 1 more thing, I had a meeting with the Lorain Municipal Court and Lorain law dept. They have a grant through the Attorney general's office to provide victim's advocates. There are 2 of them and they work very hard with any victims of crime and provide a valuable service. Providing assistance and being a good support and aide to prosecutors. These are victims of any crime, even ancillary victims. Not just domestic violence or assault but even shoplifting, burglaries, any crime with a victim. They can help children of victims and they can also get involved in direct Grand Jury cases and even cases where there may not be enough probable cause to bring a charge. It may be a he said she said with no visible injuries where it's hard to prove. We may tell them go get a civil protection order, etc. These advocates even work with those people. It's a grant and has cost the city of Lorain nothing. It is coming to the end of the second year and time to renew the grant. Those advocates have not provided any services to Sheffield Lake because it's a grant specifically through the Lorain Law Dept. for Lorain cases. They would like to include Sheffield Lake in the program at no cost to us. We are having conversations about the best way to proceed. It could go 1 of 3 ways. Sheffield Lake could make their own grant application, but time is ticking on that, not sure it is the best way. We could make a collaborative application with the city of Lorain. Third way would be Lorain could just apply for it and we could do a MOU with them that they would provide the services to us as well. Legislation will probably be brought in next week by way of a resolution and support of this grant application. It should cost Sheffield Lake nothing and provide additional services to victims in Sheffield. **/COMMUNICATIONS: None./OLD BUSINESS:** President Rosso states Master Plan is our old business. Seems planning commission was unable to attend so what I suggest is Rocky taking credible notes and at tomorrow's meeting say, council would like you to change this. At least start the discussion with them. I made a few notes, I know last time we talked there was a question about how many surveys were sent out and how many were returned. So we can figure out when they talk percentages, what numbers we are talking. This is just a question, but I don't think the library has been remodeled since like 89 or earlier. So where it says

with this newly remodeled building, not quite sure. Not quite sure when the library was remodeled. Councilperson Radeff states they have redone the doors and things. Mayor Bring states they redid the roof and other part of the addition but it's been a long time. President Rosso states we can leave it in there, I just... Councilperson Gee states she called the library and they said no, there has been no remodeling of any kind for quite a while. President Rosso asks Councilman Radeff what the community reinvestment would be and what it would undertake. Under appointed officials page 3, the creation of a community reinvestment committee, not sure what that would be. Law director Graves states a few years back they did create an Economic development advisory board and when I read community reinvestment committee it threw me off. There is such a thing as community development corporation or community improvement corporation under the ORC. The city, years ago, discussed creating such an entity. It's basically a non-profit economic development arm of the city and there's a board. It kind of never materialized. I'm not sure what they are really requesting here. We have the CRA housing council which reviews requests for tax abatements. I believe if they are just talking about an economic development committee, we do have that on the books already. President Rosso states Rocky please get more details on that tomorrow. Under municipal buildings, I'm not quite sure that I agree with the lack of adequate space places a burden on the efficient operations of our departments. I'm not sure which departments don't have adequate space, or any deficiencies due to lack of inadequate space. Again, not sure of the thought process behind that. Bike lanes where it says proposed bike trail connecting Lake Rd to Oster Rd including Lincoln Park. Are they talking Gary Green? Would that connect that or run through that? On page 5 top paragraph. Councilman Kovach replies it would be part of the Lincoln trail we have been discussing. I believe that would go up to Oster. Law Director Graves replies, yeah, there is the paper street of Lincoln that runs behind the Knolls that never was put in. President Rosso responds, right, it does talk about that and then it says proposed bike trail connecting Lake Rd to Oster including Lincoln Park, Lincoln Park bike lane should be developed. Would the bike lane run through that? Is it that far south of Irving? Councilman Kovach states we have got proposed on, we have grant applications in for expanding the bike trail from Lake Rd up to the park, and maybe they are suggesting in another phase we could probably consider going and applying for grants to go from the park to Oster. President Rosso says we just need to change that from Lincoln Park to Gary Green. I didn't realize it would go so far, I thought it would be East of the park. Some of these may be just splitting hairs but I would question the fact that 16% demanded a community pool. They may have said they would like a pool, but I'm not sure the word demanded is appropriate there. Also it's mentioned that a recreation center would be a valuable asset and we should rededicate some city assets, but we already have a community center, so are they

looking for something other than that? Councilman Radeff replies yes, I think they are thinking of an actual rec center, like a weight room, exercise, they have brought up the YMCA multiple times. Councilman Cizl asks weren't they considering converting the bowling alley into something like that, a recreation company was gonna come in and do something like that. Councilman Radeff replies, yes, that's what they are referring to, something like that. President Rosso states on the last page under the last page, 13 revision of city ordinances. Bill I think you brought this up last time we talked. They are recommending the city establishes an ordinance to bid on all properties auctioned by Lorain County for failure to pay taxes. We have talked about this in the past and we have really not wanted to do that. I don't believe it is best for the city to own all these vacant lots that nothing can be done with. I also don't think it makes any sense for the city to purchase any undeveloped commercial or industrial property which by itself is too small to develop. Their comment is it could be obtained and sold to developers who would attach it to adjacent properties. If a developer already owns the adjacent property, let them buy it. What is the sense of us buying it? Also, the ordinance about the appearance of non-buildable lots between 2 homes. Obviously that's vacant land, but wouldn't that be covered in our property maintenance or no? I mean if I have a wooded lot, between 2 homes, they still have a requirement to keep their lot? And if it's not wooded, then it's just grass and they have a requirement to mow that grass. I'm not quite sure. Mayor Bring asks David, wasn't it originally, if there was a house on it, they had to mow it, if there was never a house, they did not have to mow? Law Director Graves answers the city's policy is if it ever had a house on it, and that house gets demolished, if it had an address, you have to maintain that lot, cut the grass, keep it neat. If it never had a house, always been a vacant lot, you could let it return to nature. President Rosso states it also says a commercial sign ordinance should be reviewed and revised as necessary. We already have a sign ordinance and if it ever became an issue, we would review it. I don't know why that needs to be in the master plan. Councilman Cizl states what you just said about the vacant land and maintaining it, does that mean the same for sidewalks? Property is sold and has a vacant lot next to it, I'm thinking 2 things. 1, we had an issue with on Dillywood and I brought it up to Tom, about a vacant lot on Lakewood beach that was sold. 1 has a sidewalk, 1 doesn't. Law Director Graves states it goes back to us discussing we need to go back and revise the whole zoning code. There's so many aspects of our code where it really creates a gray area and the requirement to either install a sidewalk or escrow money for the installation of a sidewalk is tied to occupancy. You cannot occupy the property until you escrow money for a sidewalk or put one in. So if property transfers and you do it, technically your not supposed to have occupancy. We haven't really required escrow of sidewalk funds to transfer vacant land. President Rosso states I also did not understand the last point they have here that ordinances should be

updated to reflect the size of new residential construction. We already have the requirements for residential construction. It has to be x amount of feet, your lot has to be so big, your sideyard, your backyard already, so I'm not sure what we need to do. This says many ordinances were established when small cottages were the norm. There's nothing in our ordinance that would allow you to build a cottage. Mayor Bring replies we upgraded about 15 years ago and reviewed it 7-8 years ago. President Rosso states my feeling is we already have that. Not sure why we need that. It's in the master plan but my position is we already have it. Maybe they were thinking something different? I don't understand about reducing the number of variances when you build a new house. Mayor Bring replies with I think they were talking about the 2-35 foot lots, they were a 70 foot lot, instead of getting the variance for that, they were just going to allow that. I think that was a discussion when you or I were on council with Allen and they said we said no, you should still go and make sure it was a viable piece of property and it wasn't just go ahead and build it but they wanted to check and make sure that's what it was. We all agreed on that. Law Director Graves replies correct, and if you look at page 6, they actually put that in under the second paragraph under the title: changes. They recommend any land with at least 70 feet of frontage but less than minimum requirements of zoning be granted automatic variance under the following circumstances: They are occupied homes who's property lines are adjacent on both sides of the property and occupied on or before 1/1/2003. So they have already incorporated that into the master plan. 70 foot lots, even though not buildable under code, should be granted automatic variance, which from a legal stand point makes no sense. A variance is granted based on a quasi judicial hearing, a demonstration of practical difficulties proved by a preponderance of the evidence. It's a legal hearing where you have to prove your case to be granted a variance, so it makes no sense to say an automatic variance from code. I guess they just mean an exception to the 90 foot front requirement. As the mayor has pointed out, council has considered this in the past and decided they would rather have the zoning board consider these on a case by case basis so I'm not sure that needs to be in the master plan. President Rosso says speaking of page 6, under spot zoning, it says it should be strongly discouraged which we all agree with, but then it says after demolition of any building on a parcel of land that was spot zoned, it should revert back to it's original zoning. That's already in place. Law Director Graves replies no, that's not what this says. What you're talking about is a non-conforming use. So if a property exists that was lawful at the time it was built, under the zoning in place at that time, and subsequently, the zoning has changed, that use is allowed to continue. It's grandfathered in, but if that use is discontinued, it has to meet current zoning. In other words, if you have a residence in a property that's zoned business, and they fail to occupy the residence, that now has to meet current zoning. It brings it into conformity. What this is talking

about, is where you have rezoned property and somebody decides that it was spot zoning, if that gets demolished, it's supposed to revert back to the zoning it was before we zoned it, which I don't understand. How do you tell a property owner, we are now going to revert your zoning back to what it was originally? And what is originally? The very 1st zoning map ever created? If you are a property owner and let's say a building gets demolished, and you own a business lot, all of a sudden the city comes in and says now we're gonna zone it back to residential, I think you run the risk of being accused of regulatory taking and possibly having to pay damages. You may have devalued their property. I don't understand how we are going to just take parcels and say well now.. Councilman Kovach says isn't that something that can just be eliminated due to the fact that it would be illegal? Director Graves replies if we have lawfully zoned property, and someone owns it and the building happens to get demolished, I don't know how we tell that property owner well even though it's lawfully rezoned, it's going to go back to the way it once was. Councilman Kovach responds I'm suggesting that should not even be added in here due to the fact that it would be considered illegal. Director Graves states I don't think that belongs in here. President Rosso says so under spot zoning it should be down to just further spot zoning should be discouraged and remove everything else. Law director Graves states zoning is supposed to be part of a comprehensive land use/ zoning plan where you create zoning districts. You're really not supposed to create individually zoned parcels. Unfortunately, that has happened. Councilman Radeff says I know you guys mentioned about adding the lots and that previously council decided that they still want them to go through the variance process. My question is, how long ago was that? I know this is something they talked about extensively, also zoning board has talked about it. Maybe it needs revisited or maybe this is the majority of the same council, and they feel the same, is it something that needs revisited or not? Obviously they thought it was important and I know that's their job, as to what things can be switched. President Rosso asks is your question, is this something council wants to look at or? Councilman Radeff says or obviously we want more explanation but is that something that needs to be revisited, I don't know, when was the last time it was discussed? Mayor Bring states 9 or 10 years ago because I was still on council. Councilman Kovach says if I get the gist of what they are suggesting, it's that 70 foot lots in the districts where they were originally acceptable in before we increased it to 90 foot, 70 foot was the norm. If you look in many of the areas, that's kind of the square footage of the lots in certain areas which would be then, considering like a 70 square foot lot over in that area. Whatever the frontage is over on the lots by Hall and Knickerbocker, those were probably 50 or 55 foot at the time. So I mean they are by whatever the development or whatever you consider those areas at the time the booming construction was at different decades. That's kinda what I think they are leaning towards and I think that's what was discussed back 9-10 years ago.

At that point, we felt it was better to go by a case by case basis, but it might be worth a reconsideration or discussion. In regards to your question where they are squeezed for space, if you go back to the are about the police department, I think you will find that's probably where they were leaning on. I think they felt the police facility was small even though 1 or 2 meetings ago Dennis had stated that we aren't using the basement at this time but is of viable use. President Rosso states again, I think there is plenty of room in the police department. Councilman Kovach replies I think I'm taking 2 paragraphs out of 2 different sections but I think that's is where they are coming from. President Rosso states that's why I hope both council and committee can sit down and talk so we don't have to guess where they are coming from. Law Director Graves says he also noticed in paragraph 2, it says the jail is a 5 day facility and that is not correct, it is a 12 day facility. I'm not sure council wants to include the language saying long term plans to expand the jail to be considered. Councilwoman Gee says going back to the 2 lots, what we were discussing, the 35 plus 35. I was at that meeting of the planning and they were talking about the fact that there are so many empty side by side lots scattered throughout the city. Some of those are where it used to be 70 footers, some where it used to be 55 footers and now those aren't buildable lots. They were trying to clean up the areas that had empty lots between houses that used to be buildable lots and no longer are. President Rosso states ok, what we will do now is go from Rosa to the right and we can say hey Rocky I would like an explanation on this or make a comment. Rosa you're up. Councilwoman Gee says Rocky, I will bring my paper to them and ask it if you don't mind. I have some issues with the parks not being updated and I have those already typed out. President Rosso asks Steve, did you have anything. Councilman Kovach replies I think I spelled out what I was thinking. President Rosso asks Mark? Councilman Cizl says as we discussed I would just like to see the percentages of the survey returns and results. President Rosso asks Erdei? Councilman Erdei replies I'm good, you guys covered everything. President Rosso asks Bill? Councilman Wtulich replies yeah I'm good too. President Rosso asks Leanna? Councilwoman Stark says page 2 with the schools, I would just like to know why there is so little information. It just says here's our schools and doesn't really talk about the accomplishments. I think schools are pretty much of more importance to the city then, well we will get to that part later. I would just like to know why the schools were given such little consideration. Splitting some hairs here, service director? Now don't we have a superintendent? So it's in there twice that we have a service director, it's just changing a word, but technically. President Rosso replies well, we still have the service director position it's just not filled right now, we are using a superintendent. It could be and/or superintendent. Ok, anything else? Councilwoman Stark replies page 4 in the top part, no other feature can do as much to make Sheffield Lake a more desirable place to live, referring to the lake or lakefront property or

lakefront parks. I would just like to know why they think the parks are most important. That statement says to me that they think the parks are more important than other things and I'm just curious as to why they feel that way. Schools or something else could be. Under recreation, 34% of respondents were supportive of a tax assessment or increase for the purpose of park development, just like to know how they came up with those numbers. President Rosso replies that goes back to getting the results from the survey, how many were submitted, how many were returned and what were the numbers. Councilwoman Stark says my only other thing is Portside apartments, maybe I know them under a different name but Portside? President Rosso replies Mariner's Watch. Councilwoman Stark says the only, falling back to percentages but it says 2018 citizens survey found 38, what is residential area city too dense? Page 12. It says are most residential areas of this city too dense and then it says found 38% of respondents agree. What does it mean by too dense? I guess I would like an explanation of what they were asking by asking that question. And the last thing I would ask is the shopping center's not mentioned anywhere. Where were they taking consideration into that big elephant in the room? President Rosso asks Rocky, you got all your notes? Councilman Radeff states yes, once I add shopping center. Did anyone from the board respond? President Rosso replies no. Now I will admit I sent it out last Thursday with my phone number asking to call me if they had any questions. So if they say 5 or 6 days wasn't enough time, then I guess they are right. They had it Thursday morning. Same email Kay sends all their correspondence to. Rocky any comments? Councilman Radeff replies the only comment is I know there are a lot of questions we do have there are a lot of things that need to be changed but just wanted to not forget that they did spend a lot of time on this and they did work hard to get information. It's not an easy task to do a master plan especially if you are not necessarily specialized in it and things like that. I don't want them to think that they did or horrible job or anything like that. President Rosso states I agree. Also, I would like to throw out the offer that if they want to do a joint meeting we would be open to that. Tell their chair to get ahold of me and we will pick a day. Any other old business? **NEW BUSINESS:** Mayor Bring says we do have someone in our city who is going to be retiring at the end of July and we will be filling that position. I will be bringing that person to you. President Rosso states Law Director mentioned 2 resolutions needed for rezoning. Pleasantview. Resolution for the superintendent to apply for the NOPEC. A resolution in support of the grant for the victims of crime. Those will be on next Tuesday's agenda. Also the tax budget.

ORDINANCES AND RESOLUTIONS: Councils Agenda – Council 028-

Second Reading- -an ordinance amending 505.20 of the codified ordinances of

Sheffield Lake regarding number of dogs and cats permitted and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion By Kovach/Second by Erdei to adjourn at 7:51 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

Brandy Randolph

I, Brandy Randolph, 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 21, 2019.

MAYOR

Dennis Bring

COUNCIL PRESIDENT

Rick Rosso