

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
May 21, 2019**

The regular meeting of the City Council Worksession was held Tuesday, May 21, 2019. President Rosso called the meeting to order at 7:04 PM.

ROLL CALL OF MEMBERS:

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

Attending: Members of the Media

PRESENTATIONS: None.

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

ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: None./FINANCE: None./PARK BOARD: None.

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

MAYOR: Mayor Bring advised we are still working on the Civic Center, they are coming back June 3rd and they are going to do the epoxy on the floors. Then they are going to start painting the outside of it and we had the window in the back replaced that was all fogged up. Then we tore out that access road and they are filling that in with dirt and we may add a little bit of fencing over there. We put the dumpsters where they are going to go now, they poured the concrete. They put a fence up but still have to do a gate. Then maybe next year, we are going to add 25 or 30 truckloads of dirt towards the back on the side where the neighbors are kind of complaining, make a mound and then put some pine trees there. That will get rid of some of the dirt and then if the people looking over there, that will help out. So, that is the plan for that. A reminder for you guys that they are going to start probably on 301, in June the Gas Company is going to start working on that. So, in July we are going to have a little bit of chaotic traffic with the Harris Road and 301. I just want to keep reminding everybody about that because people are starting to talk about it on social media. We had Pride Day and it was pretty successful, the good thing about it was there wasn't as many participants, but I attribute it to what we have been doing the last couple of years as far as maintenance. I have been driving around and it is much cleaner than it was so I don't think there was much rubbish and debris around than what there was. I think it is working. President Rosso advised I saw the Mayor throw out the first pitch at the Raptor's game on Saturday. Mayor Bring quipped strike by the way. He

advised the young man that sang the National Anthem and he wasn't very old but he was unbelievable, absolutely fantastic. I had to do a little fist bump with him because he did an excellent job. President Rosso advised he actually starred in a Christmas Story I think last year at Playhouse Square, he was one of the acts. He is maybe 7th or 8th grade now. Yes, very talented./**SUPERINTENDENT:**

Superintendent Hastings advised no report this evening. President Rosso asked what is the markers on Lake Road, the yellow flags from Howell to Shoreway? Superintendent Hastings answered that is part of the TLCI grant for the multi-purpose trail from the covered bridge to the Boat Launch and they must have extended it. We have a meeting with ODOT on May 29th so I have a field review and they use these as a visual./**FINANCE DIRECTOR: None./LAW**

DIRECTOR: Law Director Graves reviewed the legislation for Council's agenda.
/COMMUNICATIONS: None./OLD BUSINESS: None.

NEW BUSINESS: *Master Plan* – President Rosso advised everybody has a copy of the Master Plan and he asked this gets presented to Council and then does Council take action? Law Director Graves answered yes. So, Council should review this and perhaps have a suggestion at Worksession or multiple Worksession's devoted to just a discussion of this Master Plan. You can then have legislation and either adopt it or reject it or send it back to Planning Commission with the proposed revision's but it is in Council's hands now. Councilman Radeff stated I know one questions that has been brought up at Planning many times is if they should include more information about the survey. So, you will see throughout, like 80% or 90% or 20% on the survey. But they do not make reference of the poll of it, how many people responded and things like that. They were discussing if they should do something like that would be important. In my opinion I thought it would be nice to just put as a footnote or something. Just keep in mind when they say 80% that they mean 80% people answered as opposed to 80% of everybody in the city. Councilperson Gee advised I do have a few concerns, their very first paragraph it talks about residents of the a 30-question survey as an open-end question in open meetings the Planning Commission examined the data and used it to write this Master Plan. They took those home, they did not do them in an open meeting and this is something that all of us are aware of and they were aware of it even though they put that statement right there. That is a concern. If you go further down, under the Library it talks about it being newly remodeled, that remodeling was done in 1989 and I don't quite understand why they said newly remodeled. The last remodeling of the Library was to the parking lot which was done in 1998. She continued to city government, if you go to appointed officials they want to create a community reinvestment committee, we had discussed that and had one on the books. I don't know if we ever removed that ordinance or not David, do you remember? Law Director Graves answered I don't

think that ever was completed. Councilperson Gee advised I think we just left it on the books so we already have that in ordinance. Law Director Graves answered not technically. Councilperson Gee continued if you go down to municipal buildings, the lack of adequate space places a burden on the efficiency of our operation. I don't think it places a burden on how our people work. Yes, we do need more room at our Police Department for sure, there is no denying that but I don't think it causes them to have a lower grade of their job. I think they do an excellent job. Mayor Bring stated I don't know what kind of space that they are looking for because we have the whole downstairs that we don't even utilize right now. The upstairs has been remodeled, we have added computers and everything else. So, basically, the only time the guys are in there is when they are doing reports as they should be out on the road. Finance Director Smith stated it is nice to do typing and such downstairs which they don't do anymore. Mayor Bring advised the downstairs is wide open. Councilman Radeff stated I know this had come up at one of the meeting that Pat was and he actually questioned the space but the understanding from the Board was they wanted to write some of it a certain way and I am not saying that I agree or disagree so that it would justify going for a grant but that was spoken at one the meetings. Councilperson Gee continued lakefront parks, it keeps listing Erie Shores as a lakefront park which no, there is homes behind it and a road, not technically a lakefront park. When it goes further down, it mentions Gary Green Park one time and then it changes the name back to Lincoln Park and it really needs to be corrected to Gary Green Park. She continued Shell Cove Park one time is called Memorial Park and really it is Shell Cove Park. The memorial for Brookside is inside Shell Cove Park. One of my biggest concerns with all of this is there was a lot of mistakes going on the survey when it was being done and I am really not sure if we want to keep the survey in this Master Plan and granted it helped them write the Master Plan but they sent the surveys down to another relative down in another state to have it worked on. They didn't even work on it. I am really reluctant to keep the survey in the Master Plan for many different reasons. At the same time, I double checked with a lot of the different departments, Fire Chief Tim Card was not contacted or asked on his input on this and quite a few of our departments were not contacted for input on this. So, we might really want to take time and consider more of this and go over it a little more thorough. I also suggest reading minutes from their meetings where they discuss altering things and that is in their minutes. Councilman Wtulich stated where it says the revisions of city ordinances, the second paragraph/page 13 which says an ordinance should be established to direct the city to bid on all properties for failure to pay property taxes. That is something that we have looked at and it doesn't make sense for us to bid on it. So, I don't think we want that in there. We don't want to have to buy property that we don't want. President Rosso stated this

is their suggestions and it doesn't mean that we have to do an ordinance, we don't have to enact passing these ordinances. Law Director Graves stated no but if you pass an ordinance adopting this plan you are kind of signing on that this should be a guiding principle that the city should acquire all properties that they can. I would say before you decide to adopt this to make sure that you agree with all of the aspirational provisions. Councilperson Stark stated she agrees with Rocky if we are going to use the survey then we should say that only this many residents like 100 people turned in X surveys since these numbers are based on this. She compared it to voting and the numbers count. Councilman Radeff stated that could be just a simple footnote. I have pulled different city documents and that is just helpful when you are doing any time of analysis when someone decides to do research on Lorain County or something like that that they will want to see. I think they said the return was like 20% or 30%, I looked it up and that is average when you do a survey. It is not like the number was ridiculously low where the data means nothing. Technically if you have fifty people return it, it is a valid return. Councilperson Gee advised maybe we can hold off until the next Worksession and I will bring in some minutes of some of their meetings. Prior to Rocky being on, they were talking about the surveys and those are valuable minutes to read before you make a decision on the surveys. President Rosso stated I don't know that we need to go through all the minutes because if they were fudged, we can just remove the percentages and go through them all. Councilperson Gee stated just the one where they are talking about fudging them. President Rosso state nothing is going to get passed tonight. Councilman Kovach stated as I see it the problem isn't within the survey, it is within the Commission that did the actual Master Plan. I think if you look back at the last time the Master Plan was done we used a survey also at that time. I don't know what the percentages were but the Master Plan was not based on the facts of the survey but was used to enhance the creation of the Master Plan. President Rosso stated provide guidance. If we have a fear or concern that the numbers aren't accurate regarding the survey then perhaps we should remove all reference to it. In my opinion, doesn't mean that the Master Plan is invalid. I would say, you don't want to say we added this line because this percentage of people wanted it if that wasn't a true statement. Councilman Radeff asked can we have someone from the Planning Commission come in and present on it because that was my understanding as I thought someone would have come, maybe the Chairman and have a better understanding of what it was and not assume anything. President Rosso stated yes, that would be fine, I just wanted us to get a feel for it. Councilman Cizl stated I totally agree that we need to have the survey information. If it is going to say 90% which is really misleading if your sampling is real small, if we see that 3000 things were sent out and we received 100 then keep the percentage in there but at least we have that data. I also wanted

to ask, this is a recommendation from the Planning Commission for us to amend, not accept? President Rosso answered yes. President Rosso stated I just want to be clear, let's say we got 9000 residents and we got 500 returned and it broke out in these percentages which are in here. But Rosa is saying is in a public meeting, they were and I am paraphrasing, well only 30% wanted parks improved but they will never do it let's change the number to 80. So, unless we get the detail of the actual surveys, the summary numbers don't mean a lot. Finance Director Smith asked do we know what happened to those surveys? Councilperson Gee answered Kay had them downstairs but not all of them were returned once they took them.

Councilman Cizl stated if they "fudged" it to get a goal then that to me throws out all but I would like to see what they received. President Rosso stated we will continue to June Worksession and I will issue an invitation to Planning Commission. I think everybody has raised some very valid questions and concerns. Councilperson Stark reminded attendees that Brookside will be graduating this Saturday. Also, we had several people who graduated from JVS last Friday in the trades that will be representing this city moving forward.

Councilman Wtulich asked Pat, when are you guys going to get started on Sheffield Road, Day Ditch project? Superintendent Hastings answered the Mayor just signed the contract, the Law Director Graves reviewed it and signed it off and acknowledged Council's recognition. That went to the state last week and that is about a 4-week turnaround. In the meantime, I have a meeting with the engineering on the 29th to go over the numbers. All of the hydraulic studies on done, we have been able to ascertain how much water is flowing in from the Village, how much is flowing in along the railroad, the size of the proposed pond. We are talking about the bidding schedule to begin yet this year for the ditch portion. So, that is the first portion, we have to clean it up and move the water then have the data for retention. So, short term answer to you, I would say by fall there will be activity construction wise.

Councilman Radeff asked Law Director Graves, did you want to mention anything about the point of sales? Law Director Graves answered as everyone is aware Sheffield Lake still requires point of sale inspection, there have been a couple now decision out of Federal District Court in Ohio, one out of a southern district and one out of a northern district which have found that requiring point of sale inspections with a potential criminal penalty constitutes a warrantless search. They found them unconstitutional and so we are going to be revising that. The interesting thing about those decisions is they have found nothing inappropriate about an exterior inspection. So, the exterior property maintenance and the sidewalk requirement as part of the bill of sale, we will continue to do that. So, we are no longer going to be doing interior point of sale inspections. We will be bringing revisions to that to Council and the new language will be very much like

what we amended the rental license ordinance to say. If we have reason to believe that there could be interior maintenance violations then we could request an administrative warrant to inspect the inside of the property. Once that is done, it may or may not be appropriate to discuss the International Property Maintenance Code again which he explained. Mayor Bring advised our point of sale is more about safety then penalizing the other communities do. There was a brief discussion on possible change to include how it effects VA loans which makes it mandatory which Law Director Graves advised when it is tied to money, that is guaranteeing value.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#022 – SECOND 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. Law Director Graves detailed this would be a 7-year amendment, the current rate being \$19.10. This extension would take it through to April 30, 2026 at a final rate per customer of \$22.78 which is a total of \$3.68 over the course of 7 years with no reduction in services. They would continue picking up all of the recyclable materials including aluminum cans, tin cans, glass bottles of any size or color, plastic, food, beverage and detergent containers, plastics numbers 1 through 7, paper and cardboard products unless contaminated with food waste. Collection will be one day a week and one week a month they will provide the unlimited bulk pickup and yard waste from April 15th through November 30th which is an unlimited number of paper bags. They do have the 20% unexpectable material threshold. If they believe that the city is exceeding that, we are going to agree to work together for a public information campaign to make sure that the residents know what is appropriate to go inside a recycle container. They will continue with the roll off yard waste loads for the city, continue with the 12 construction dumpsters and two 8-yard recycling containers and Community Center service as well. The last page is an exhibit of the unexpectable and you will note that it does say the unexpectable materials and may be modified if items ceases to market at all. We think that this is a good contract, a good modification and we ask Council consider adopting that.

Council#025 – EMERGENCY – a resolution authorizing the Mayor to enter into a second amendment to lease agreement with Dollar Tree Stores, Inc., FKA Family Dollar, and the declaring of an emergency. Law Director Graves advised while this is characterized as the second amendment, it is actually the fifth extended term since the first amendment included up to the fourth amended term. So, this would be for the fifth, sixth, seventh, eighth and ninth extended term. As the contract, this would be with significant increases to the rent in this proposal. We think it is a good proposal and Dollar Tree is a good tenant and ask you consider adopting that.

Council#026 – EMERGENCY – an ordinance of the Council of the City of Sheffield Lake adopting an Information Security Policy and the declaring of an emergency. Law Director Graves advised this is something that we need to take care of in light of the fact that we handle sensitive card holder information with the accepting of credit cards.

Council#027 – EMERGENCY – an ordinance establishing the rate of pay for the position of Clerk of Council, including Clerk of Planning Commission and Board of Zoning Appeals, Clerk of Park Board and Clerk of Committees, effective May 29, 2019 and the declaring of an emergency.

Council#028 – EMERGENCY – an ordinance establishing the rate of pay for the position of Clerk of Council, including the positions of Clerk of Planning Commission and Board of Zoning Appeals,

Clerk of Park Board and Clerk of Committees, effective May 29, 2019 and the declaring of an emergency.

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