

**MINUTES OF THE CITY COUNCIL
SHEFFIELD LAKE, OHIO
July 23, 2019**

This regular meeting of the City Council was held Tuesday, July 23, 2019. Council President Richard Rosso called the meeting to order at 7:00 pm.

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

Present: Council President Rosso, Kovach, Stark, Cizl, Gee, Erdei, Radeff, Wtulich, Mayor Bring, Superintendent Hastings, Finance Director Smith, Law Director Graves
Attending: Citizens, Members of the media, Videographer

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Gee to accept the minutes of the July 9, 2019 meeting with any noted corrections. Yeas All.

CORRESPONDENCE: None

PRESENTATIONS: None

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: None. /Safety: None. /Buildings, Lands, Vehicles & Equipment: None. /Ordinance: None. /Finance: Councilwoman Stark states No report, however there are appropriations attached for tonight. */Council Representative to the Joyce Hanks Community Center:* Representative Gee reported today was the ribbon cutting for the addition. It was well attended. There will now be more events there. Next Monday will be Bingo. */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 reported Route 301 has been started and is northbound only. Walker Rd. intersection is also closed. That will take about 120 days. Harris Rd. will start tomorrow. Traffic will be impeded there as well, lasting about 120 days. Councilwoman Gee asks can ODOT correct the spelling on the Abbe Rd. sign? Mayor Bring states he did mention it to Superintendent Hastings today. We are also going to get a sign for Irving Park as far as a speed sign. Some residents are saying traffic has been going a little faster than normal. *Motion by Erdei/Second by Gee to accept the report. Yeas All. ***/SUPERINTENDENT’S REPORT:*** Superintendent Hastings states he has worked with the law director to get a resolution before you for Round 34 of Ohio Public Works. That is for Irving Park. We are researching replacing all the pavement, replacing the water main, additional drains, currently it comes in at 1.5 million. The first step is council’s approval for an application this evening.

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Councilwoman Gee asks has the sinkhole been looked into? Superintendent Hastings replies on Idlewood, yes. We filled it over the weekend for safety. It goes into a sewer main so we called Ohio Utilities Protection, it's 48 hours, so it should be there tomorrow. *Motion by Kovach/Second by Cizl. Yeas All. **FINANCE DIRECTORS REPORT.** Finance Director Smith states the June balancing report is in your packet. Also, take note of the four ordinances, council #041-044 are for the annual note borrowing. Council #45 is the appropriation ordinance covering a consultant for the updating of our zoning code. *Motion by Gee/Second by Cizl. Yeas All. **LAW DIRECTORS REPORT:** Law Director Graves states not much tonight. As council is aware, we did receive an appeal of a zoning board decision. I have prepared the transcript and will be filing it with Common Pleas Court tomorrow. Also, in front of you is a request to file any objections to renewals for all the liquor licenses in Sheffield Lake. This happens periodically. There is correspondence from the Chief of Police saying he has no objections and there are no ongoing problems or nuisance conditions related to any of these businesses. If council does not want to object to any renewals, we just ask for a motion stating that. If there are objections, that requires additional action. *Motion by Gee/Second by Erdei to accept the report. Yeas All.

CITIZENS COMMENTARY:

Elise Sheehan 5223 Leann Court. I am here on behalf of my mother-in-law Joan, who lives at 646 Dunny. We want to air a complaint about 658 Dunny Ave. Over two years ago this resident brought in free range chickens and roosters. The noise started immediately, and they started wandering into Joan's yard. The amount of birds has steadily increased. It is difficult to tell exactly how many. Compost piles are all over and feces has been burned in open firepits. Joan cannot sit outside or open windows because of the odor. The situation worsens despite numerous complaints. We have sent pictures and videos. There are ordinances that need to be enforced concerning noise and smell. She has been cited, yet it still happens.

Kathleen Janosik, 4252 Hawthorne Ave. stated people told me the minimum is 5 chickens. I went to multiple businesses and the minimum amount of chickens you have to buy is 6. Ohio state minimum is 6. Another thing is if you get chickens, they can have high grass to eat right? If I don't have chickens, I will get cited for high grass, but people with chickens can have it? President Rosso replies no, they are still held to the same property maintenance laws as everyone else.

Tammy Davis, Lakewood Beach states I have 12 chickens, but I also have 3 lots. They are in a run and are never allowed out. I clean it once a week. There is stuff called PDZ and if you use that, you can't smell anything at all. I asked all my neighbors first and they said fine. Now I give them all free eggs.

William Lundberg, 253 Cove Beach states I want to bring up the detour going down Cove Beach. I know there is sometimes an officer, not always. Our cat was killed because of the people flying down the road. I know it shouldn't have been roaming, but just bringing it up. Also, on August 4th, I'm hosting an event from 8am until 1pm to clean up the Sheffield Lake boat dock. If we could get a lot of people down there, I

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have a sponsor that's going to bring a dump trailer to remove all the debris. President Rosso asks Pat, Dennis, do we need to give him anything or just say ok? Mayor Bring replies I think it's great. We had a group do it last year and it went well. Mr. Lundberg asks could we take the trailer down the handicapped parking at the end of the ramp? President Rosso replies coordinate with the mayor or Mr. Hastings, they can help you out.

Scott Maholic, 520 Parkview Drive states I agree Sheffield Lake should have a number, but three is not enough. It will not sustain a family of four to have eggs for the week. Rural King will only sell in quantities of 6 or higher. The other thing, where the dwellings and coops have to be located on properties, I can't find a property in Sheffield Lake that could have one. My property couldn't. I take care of my chickens, I clean, they are quiet and neighbors don't complain. That's all I have to say.

Gloria Dossa, 767 Grantwood asks is there an ordinance against barking dogs? Law Director Graves responds we changed that ordinance in 2006 from barking dog to unreasonable animal noise. Mrs. Dossa replies I was just curious, there's a couple of them and I'm in and out so it doesn't bother me, but we have some older neighbors and they are telling me to ask.

Robert Tomanek, 657 Dunny Rd. states I live directly across from the house being talked about tonight. I have lived there 14 years. The past 3 have been terrible. We have thought about moving, but the smell and condition of the home across the street makes it impossible to sell our house. We can't sit on our porch or open our windows. It is a major problem. I have no issue with people having chickens as long as it's a reasonable amount. When I complained last year, I was told she had over 50 chickens and ducks and other animals. She was in the paper the other day when her pig got loose at Apples. If people take care of their chickens, I have no issue, but that is not the case here. It is hard for my family to live here. I am asking the council to come up with a fair and reasonable law or ordinance so we can have a nice summer outside our home.

Blake Tomanek, 657 Dunny Rd. states I have a complaint. I usually ride my bike in the summer but when the odor and stink comes, I do not want to ride and just go back inside. I many times have wanted to sit on the porch with my brother and eat ice cream but we have to go back inside because it stinks so bad.

Sherry Aybar-huegele, 784 Sheffield Rd. states we have chickens. I think this whole thing is out of control because of one resident. You are gonna punish the whole city because of one person who doesn't take care of her animals. You should just take care of that one resident instead of making a rule to punish everyone with chickens.

Tammy Davis, Lakewood Beach Dr. states I know the house on Dunny you are talking about. Yes, it's bad, but the rest of us should not be held responsible because of her. They are free range and not in a run. They are all over the place.

Tim Haslage, 305 Lynn Dr. states my wife and I have lived here 27 years and love it except for the last year and a half. A neighbor on Gayle Dr. has had a rooster. I have no qualms about chickens or roosters, but this crows all day long. From sunrise until after

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9, constantly. Now it's time to say something, I have been patient. When it is all day, it gets annoying. That's about it. Thanks.

Colleen Elliott, 560 Parkview Dr. states my mom is Joan. Is there an ordinance on how many chicken coops there can be on a property? Law Director Graves states it depends on how you classify them. You are limited to 2 accessory buildings. Depends on if you are going to classify chicken pens as accessory buildings. If we did, you would be limited to 2. Two total buildings. As of today, they are not classified as accessory buildings. Colleen Elliott replies ok because she has at least 16.

Mayor Bring asks Mr. Graves to read the ordinance that is being proposed so everyone understands it. Mr. Graves reads Council #037 in its entirety. Mayor Bring asks can you also explain about the people who already own chickens? Law Director Graves states this is prospective, so those that currently have more than four would be grandfathered in. We cannot criminalize something that was legal at the time. Also, location of the coop would be grandfathered. We currently have ordinances on the books about unreasonable animal noise and noxious and offensive odors. One of the problems is that it comes and goes. We have cited this person before, but the county health inspector went out and said everything is great, so it is hard to prosecute when you have a report like that. We do take these concerns very seriously, and will enforce them under the current code. Mayor Bring states we are well aware of these and will be taking action. Law Director Graves states the first step if you want us to take action, is to come down and make a report at the police department and let them investigate.

Gloria Dossa, 767 Grantwood asks what is the deal with the grandfathering in? Law Director Graves responds this ordinance carries a criminal penalty. You cannot criminalize something that was legal at the time it happened. **Gloria Dossa** asks does it have anything to do with the amount of time this party has been a resident? President Rosso replies no. This ordinance change will not correct your problem. **Gloria Dossa** asks does it have anything to do with passing down property from one person to another? Law Director Graves states no. **Gloria Dossa** asks does it vary from one city to the next? President Rosso replies yes. Ordinances we pass here in this city does not affect any other city.

Elise Sheehan 5223 Leann Court asks if the new ordinance passes and the situation gets worse and another report is filed, is there anything that can be done at that time? Law Director Graves replies we can continue to review complaints on a case by case basis for charges of unreasonable animal noise and noxious and offensive odors. Also, as the birds die off, she would not be able to replace them. Elise asks are roosters illegal in Sheffield Lake? Law Director Graves states no, we address them through the unreasonable animal noises ordinance. Elise asks what animals are illegal in Sheffield Lake, just hooved animals? Law Director Graves replies even that is based on the size of the lot. You can't have dangerous or exotic animals.

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Mayor Bring states I called the EPA and have them looking into saturation of the ground, water content. We are doing as much as we possibly can. I went with the health dept. guy and he said I don't see a problem. We need to have people file the complaints, there are calls but we need them filed. I have the building inspector going around and finding who has the chickens and how many. So if this passes, we will have a record of it.

Kim Noel, 4840 Pinewood Dr. I have had the pleasure of going to Joan's house and sitting on the inside because we could not sit outside. I find it ridiculous. If all of us here go file police reports, can you constantly call the health department out every time? Maybe we will get someone new to say this is absolutely ridiculous. This is the city, we have to get this together. This boy can't ride his bike. Let's fix this problem. It's not to say people can't have chickens but that her neighbor is ridiculous.

Jennifer Abbott, 209 Thelma Dr. states I thought the nuisance ordinance only indicated that once an animal was a nuisance, it didn't specifically call out certain animals, is that correct? I didn't think it specifically said rooster. Law Director Graves replies no it doesn't. It just says unreasonable animal noise, but in 2006 it said barking and howling dogs. But at that time, there were complaints about roosters, so council amended it to unreasonable animal noise of any kind. **Jennifer Abbott** asks so there's no specific ban in regards to roosters? I don't have a rooster, or even chickens, but certain council members are on Facebook saying things about ordinances that are allegedly in place. I just want to clarify for the record, is there a specific ordinance that says you're not allowed to have a rooster? Or a specific animal? Law Director Graves replies there is nothing currently that says you are not allowed to have a rooster. That is part of the proposed new legislature. **Jennifer Abbott** states I suggest in the future when council members post on Facebook, they clarify where they are getting the information from, reference the ordinance. I'm not opposed to limiting chickens. There are properties I know of with a large number of chickens and their neighbors don't know they have them. If you don't like your neighbor having chickens, call the cops and file a complaint. I don't think current ordinances are being utilized. We can create all the new ones we want but if you don't enforce them, what's the point? The new ordinance can limit to 6 but what stops me from having 10? You can come find me, maybe once, and only fine me if someone complains. You know what properties they are, do something about the problem properties.

Mayor Bring states I believe it's over 200 hundred complaints already this year on property maintenance, so to say we aren't doing anything, is not true. Our limitations on following up are very strict because we are a city. It's difficult when you have to take 2-3 months to solve one problem. There are tons of letters that have to get sent out, etc. It is nonstop. This problem upsets me because if we don't have anything in place structurally, my hands are tied, the city's hands are tied. I love animals, but as the mayor, this is a city with 50 ft. lots and it doesn't take much to offend neighbors. I don't care if you have chickens if you are responsible.

Jennifer Abbott responds my concern is what you are going to do about the people that are problems now.

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Ashley Havanec, West Dr. states the mayor made a comment about the lots being 50 ft., which my lot is. When I read the ordinance, I went out with a tape measure to see if there was anywhere I could legally put a coop. I have one and we are in the process of rebuilding it. If I could rebuild it to fit the new ordinance, I will, but there is nowhere on my lot I could put it. I have 8 chickens and I asked all my neighbors if it was ok, everyone said yes. How can we have our coop 35ft. from property lines if our lot is only 50 ft. wide? Mayor Bring asks what if new neighbors move in and they don't like the chickens, are you going to get rid of them? **Ashley Havanec** replies yes. Mayor Bring states then you are one of the responsible ones. The limit of four is easier for our police because that is the limit already for dogs and cats. You don't have to try and remember how many of what animal people can have, it's all four.

Councilwoman Stark asks Law Director Graves to explain about the density of the city. Law Director Graves replies we are the most densely populated city in Lorain County. Councilwoman Gee replies as of the last census we are the most densely populated city. Amherst has 12,000 people and 7.12 sq. miles to our 9,000 and 2.4 sq. miles and they have stricter chicken laws then we are proposing. Lakewood is stricter. We did not do this lightly, we took it seriously. Sheffield Lake separated from Sheffield Village because one wanted farm animals and one wanted to be a city. I love animals but look at how small our yards are. Just because your coop doesn't bother you, what about the neighbors? There are a lot of issues and we are trying to come out with an even way.

NEW BUSINESS: President Rosso states we have the request for the renewal of the liquor permits. If council does not have any concerns or issues with the current establishments, you make a motion that we don't have any. If we do, at least if we can identify the establishment then we can move forward. *Motion by Kovach/Second by Gee for no objections of all renewals. Yeas All.

ORDINANCES AND RESOLUTIONS:

Council#037 – SECOND READING- An ordinance establishing section 505.121 of the codified ordinances of Sheffield Lake regarding owning of poultry and the declaring of an emergency.

Councilman Kovach states I would like to make a comment that it should be revised as far as the foot off the property lines and the foot off the dwellings. It does not fit into a majority of the lots. It should set on same lines as shed location to a property line.

Council #040 - EMERGENCY- A resolution of the city council of the city of Sheffield Lake authorizing the mayor to present an application for round 34 of the Ohio Public Works Commission Capital Improvement Funding for the city of Sheffield Lake, Ohio's projects and supporting the submission of such application and the declaring of an emergency.

*Motion by Kovach/Second by Gee for SUSPENSION OF THE RULES.

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

*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #38-19

Council# 041 -EMERGENCY- An ordinance authorizing the issuance of notes in anticipation of the issuance of bonds in the amount of not to exceed two hundred fifty thousand (\$250,000) for the purpose of (I) making permanent public improvements to various city facilities consisting of repairing and replacing roofs, resurfacing parking lots and repairing and remodeling various city buildings; (II) Acquiring constructing and improving safety services facilities and acquiring related equipment; and (III) retiring notes previously issued for such purpose; and declaring an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #39-19

Council #042 – EMERGENCY – An ordinance authorizing the issuance of notes in anticipation of the issuance of bonds in the amount of not to exceed fifty-nine thousand dollars (\$59,000) for the purpose of purchasing equipment to expand the skateboard park located at Ferndale Park and related appurtenances thereto, and declaring an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #40-19

Council #043- EMERGENCY- An ordinance authorizing the issuance of notes in anticipation of the issuance of bonds in the amount of not to exceed one hundred fifty thousand dollars (\$150,000) for the purpose of constructing, reconstructing, replacing and improving the city of Sheffield Lake’s portion of State Route 301 and State Route 6 roadways, including removing concrete, stabilizing subbase, replacing curbs, catch basin and other roadway infrastructure and appurtenances thereto and replacement of existing watermain, hydrants and associated appurtenances and rehabilitation of roadway, in coordination with the Ohio Department of Transportation Urban Paving Project and Ohio Public Works roadway rehabilitation, and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #41-19

Council # 044 – EMERGENCY- An ordinance authorizing the issuance of notes in anticipation of the issuance of bonds in the amount of not to exceed one hundred ten thousand dollars (\$110,000) for the purpose of purchasing truck and vacuum equipment for the city’s leaf collection program and all related appurtenances thereto, and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #42-19

Council #045 – EMERGENCY- An ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the city of Sheffield Lake, Ohio and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Cizl for ADOPTION

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

Ordinance Passes #43-19

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 8:09 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

COUNCIL PRESIDENT

Rick Rosso

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this is a true and exact copy of the Minutes of

COUNCIL of June 11, 2019.

MAYOR

Dennis Bring