

**MINUTES OF THE CITY COUNCIL
SHEFFIELD LAKE, OHIO
July 9, 2019**

This regular meeting of the City Council was held Tuesday, July 9, 2019.
Council President Richard Rosso called the meeting to order at 7:01 pm.

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

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

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Gee to accept the minutes of the June 25, 2019 meeting with any noted corrections. Yeas All.

CORRESPONDENCE: A- A monthly report of court receipts for the month of June - \$3,230.38.

PRESENTATIONS: Mayor Bring submitted Sheila Whalen for the position of part time building department clerk.

*Motion by Kovach/Second by Gee to approve Sheila Whalen for the position of part time building department clerk.

ROLL CALL FOR APPROVAL: Yeas All – Erdei, Cizl, Kovach, Radeff, Gee, Stark.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: President Rosso reviewed the minutes of the July 1, 2019 meeting. *Motion by Gee/Second by Cizl to approve sewer credit for 4286 Brockley Ave. Yeas All. *Motion by Gee/Second by Cizl to approve sewer credit for 613 Grantwood Ave. Yeas All. *Motion by Cizl/Second by Gee to accept the report. **/Safety:** Councilwoman Gee reviewed the minutes of the July 1, 2019 meeting. *Motion by Erdei/Second by Cizl to accept the report. Yeas All. **/Buildings, Lands, Vehicles & Equipment:** Chairman Erdei reviewed the minutes of the July 2, 2019 meeting. *Motion by Gee/Second by Cizl to accept the report. Yeas All. **/Ordinance:** Representative Gee reviewed the minutes of the July 2, 2019 meeting. There will be some ordinances tonight. *Motion by Kovach/Second by Erdei to accept the report. Yeas All. **/Finance:** This month’s meeting was cancelled due to community days and Sheffield’s night at the Crusher’s. **/Council Representative to the Joyce Hanks Community Center:** Representative Gee reported Monday July 15th, our guest speaker will be Lorain County Adult Protective services. The kids arts and crafts art show will be Monday July 15 at 6:30pm. Ribbon cutting for the Joyce Hanks addition will be July 23rd at 2pm. Monday the 29th is bingo. The new custodian is fantastic. **/Council Representative to the Park Board: None /Representative to the Planning Commission: None. /Council**

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Representative to the Zoning Board of Appeals: Representative Radeff reviewed the minutes of the June 20, 2019 meeting.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reported they are starting on Abbe Road Friday. There have been numerous phone calls after the signs were put up. There will be a digital sign to assist with traffic flow. The week of the 15th is when Harris Rd will start. If we need a digital sign for that we will get one, but do not have one as of now. I talked to a bank and we are having a meeting on Monday to see if they would want to come into our community. Thursday is our parade for community days. Friday will be fireworks night. Weather should be beautiful. Councilman Cizl asks what time are the fireworks on Friday? Finance Director Smith responds dusk, usually 9:45. *Motion by Gee/Second by Cizl to accept the report. Yeas All. **/SUPERINTENDENT'S REPORT:** Superintendent Hastings states he has nothing to report. Councilwoman Gee asks has there been any more discussion on the mini excavator? Superintendent Hastings replies we continue to have to repair it, we are currently gathering quotes and the operator is reviewing the different manufacturers available. **/FINANCE DIRECTORS REPORT.** Finance Director Smith states nothing for tonight but I will have all the ordinances for the note renewal on the July 23rd meeting. **LAW DIRECTORS REPORT:** Law Director Graves states not much to report, would just like to turn your attention to the ordinances tonight. Council #36 coming out of the ordinance committee as described by councilwoman Gee as increasing sidewalk escrow from \$4 sq. ft. to \$6.50 sq. ft. Asking council to consider suspending the rules on that one as it is needed. Council #37 coming out of the ordinance committee is the new poultry and fowl ordinance. It does a number of things. It limits the number of birds classified as waterfowl, game fowl, etc, as four birds per residence or business. It could still be in industrial. No roosters or crowing birds. Requires an enclosure of a minimum 40 sq. ft. in size and not closer than 35ft. from all adjacent property lines and 50ft. from any dwelling. That's up for a first reading tonight. Council #38 is about the purchase of park supplies, the note. Authorizing an agreement with American Ramp Company for the purchase of various skate park amenities. That quote exceeds \$50,000 so it requires council approval. Council #39 authorizing the mayor to enter an agreement with Best Equipment company for a new leaf collection vacuum trailer. That quote came in at \$64,398.35. Exceeding \$50,000 so that does require council approval. Neither are required to be publicly bid. *Motion by Kovach/Second by Gee to accept the report. Yeas All.

CITIZENS COMMENTARY: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ORDINANCES AND RESOLUTIONS:

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Council#036 – EMERGENCY- An ordinance amending section 903.06 of the codified ordinances of Sheffield Lake regarding sidewalk escrow and the declaring of an emergency.

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

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

President Rosso asks Pat, how much money is currently in our sidewalk account? Superintendent Hastings replies approximately \$52,000. President Rosso asks what are our plans for actually putting in those sidewalks? Superintendent Hastings replies as I understand, there has been a review of properties that have money escrowed and need sidewalks and the city will move forward now that this ordinance has an appropriate fee schedule. President Rosso states that money should all be in escrow already, that shouldn't matter. This ordinance isn't going to give you any more money. Superintendent Hastings replies no, I understand that. I guess I'm phrasing that wrong. It was just part of an over all review. One, to update this cost and two, to do an inventory because of the change in building departments and what needed to be done. President Rosso asks does that fall under you? Superintendent Hastings replies it has fallen under service director and the building department. I think the confusion came when we had our building dept subbed out. President Rosso asks \$6.50 is the cost of installation, everything? Superintendent Hastings replies yes. President Rosso asks if it is less than that do we refund the money? Law Director Graves states no, you are paying for the right to transfer your house without installing a sidewalk. You have an option. Put the sidewalk in or escrow the money for the city to install the sidewalks at a later date. Councilman Cizl asks is there an inventory or record keeping system of where there are no sidewalks? Superintendent Hastings replies those are the things that were recently reviewed, yes. Because of all the changes in the departments, we did a more thorough review. President Rosso asks are the sidewalks 3 ft. wide? Superintendent Hastings replies 4ft.

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes #35-19

Council # 037 -FIRST READING- An ordinance establishing section 505.121 of the codified ordinances of Sheffield Lake regarding owning of poultry and fowl and the declaring of an emergency. President Rosso states I am trying to understand the intent of this ordinance and how we decided 4 birds. Councilwoman Gee replies we used the Ohio State University website and we entered in how much land was needed per chicken, that's how we came up with the dimensions. It gave choices if they were free range, which we are not allowing, or if they were penned. President Rosso states I have a concern that we are starting to creep in on restricting people's personal choice. I started thinking about this with the dogs and cats. If I want five cats in my house, who is the city to tell me I can't. I don't see anything in here that restricts free range chickens. They only need an

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area of 4x4 sq. ft. for a coop. I don't see why we should limit the number of birds. Second, this says provide proper enclosure approved by the building inspector. I want to know how the building inspector knows what a proper enclosure would be for a coop. We don't have any legislation or requirements for a dog house and they are about the same size. Councilwoman Gee responds that came up when someone said adding a chicken coop is the same as putting up a shed on your property. President Rosso states I disagree with that. You have a 4x4 coop that only has to be a few inches off the ground, if you have a fenced in back yard and you let your chickens wander, the state and everyone says it only needs to be 4x4 ft. My opinion is somebody complained about a neighbor with chickens so now we have decided to make a law that says you can't have chickens. Councilwoman Gee states we are not banning chickens. President Rosso replies I didn't say we were, but you're putting limits on it that I believe is overstretching what we should be doing. Mayor Bring asks how many chickens do you want? 60, 80? President Rosso replies I can have as many chickens as I want as long as it does not violate anyone's health and well-being. Mayor Bring says then you get into smells and interfering with other people's privacy. That's when it gets out of hand. President Rosso states then that falls under health. This other one where it states it has to be 35 ft. from any adjacent property line and 50 ft. from any dwelling, there's no house in this city that this would fit in. Law Director Graves states then you would have to determine your yard is not big enough for chickens. President Rosso replies you are encroaching on telling people they can't do something they want to do. You are passing this ordinance and making it unrealistic. President Rosso states even if we pass this, it does not apply to anyone that has chickens today. Mayor Bring replies why is that? Law Director Graves states you cannot criminalize something that was legal when it happened. President Rosso states in my opinion, we are restricting rights of people that can do it. Mayor Bring asks what about someone who likes cars? Maybe they want to start their own little car lot and decides wait a minute, you are restricting my ability to have a car lot in my back yard. Well let's say I want to park my semis back there at night, now you're going to restrict that. When you have a city, there are certain things you restrict. We have to put common sense quantities on certain things. This is what the ordinance committee and Mr. Graves looked up and said this would be a reasonable factor of how many fowl you can have, like dogs and cats. Because someone in your family has chickens, you think it's wrong that we restrict them. President Rosso states I do. I think there is absolutely nothing wrong with those chickens. Or chickens anywhere in the city. If you want to make a rule that says you can only have so many birds per sq. ft., that's one thing, but telling me I can't put a chicken coop closer than 35 ft. from a property line when a shed only has to be 3 ft. I'm saying no one went and looked and inspected someone with a chicken coop and said that's the way it should be done. I'm saying we are reacting to the people on Dunny and restricting everyone. Mayor Bring states you don't get the phone calls and complaints that we do, that I do.

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Councilman Kovach says I get where the Mayor is coming from. You are trying to contain a nuisance situation once it has gotten out of control. President Rosso states I understand what Dennis is saying. I don't think you should have 60 chickens in your yard. I think we are going to the far extreme and trying to put the city's will in restricting resident's freedoms. Especially the limits. It should be no different than a shed, they are much smaller. Mayor Bring states we let everyone park their cars in their backyards and we have a disaster now. President Rosso states people want to put stuff in their backyards, they bought that property, they should be able to do what they want with it. Law Director Graves states we all know there are different types of communities and all throughout the code when it comes to zoning, the denser the community, the more restrictions apply. Zoning law is the taking away of rights, everyone recognizes that. That's why zoning ordinances have to be worded specifically and clearly. Any ambiguity is going to be construed in favor of the property owner. As a prosecutor, I can tell you when you have subjective standards like unreasonable odor or unsightly, those are very difficult to prosecute. Sheffield Lake is the most densely populated community in Lorain County. So, there are going to need to be reasonable restrictions on the use of your property. Councilwoman Stark asks president Rosso, in your mind, what is a reasonable distance from a fence that a coop should be? President Rosso responds 3 ft., no different than a shed. Councilwoman Stark states I would just like it a little more than 3 ft. If you're gonna go that route, I would go more like 5-6. President Rosso states with these restrictions on border and property lines, you can't fit one in 90% of the yards in the city. Mayor Bring states we aren't saying you cannot have chickens, just that we don't want it to get out of hand. Councilman Cizl states the only difference I see between a coop and a shed is a coop stores a live animal. A doghouse would be more in line for comparison. Also, when you have chickens, there are concerns about wildlife. Coyotes, foxes, are we drawing them in? Is there an application for a chicken permit, coop permit? Can they just decide I want chickens, build a coop and then we have to administrate it? Mayor Bring states yes. Councilman Cizl asks how many do we have, do we know of and how many complaints do we get? Mayor Bring states I have not documented the complaints but there are numerous ones. The one on Dunny has sparked this issue because of the smell. The neighbors complain often. There was nothing in place and it got out of hand. All we are trying to do is put something reasonable in place. Councilman Cizl says I agree with you but I also agree with Rick in the fact that we don't want to administrate something that doesn't need to be. We don't want to take liberties from our constituents. It has to be controlled. My last issue is how do you administrate it? Do we grandfather current ones in? Does it cause a problem with someone who has eight and now someone else says so I can only have four because I started after 2019? Law Director Graves states it happens when laws change. You grandfather people in. We just have to get an accurate idea of how many are out there now with more than four. Councilman Cizl says that's why I

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asked about an application procedure. Law Director Graves states it's a gray area with an application procedure because we really haven't decided how to treat these chicken coops. From my perspective they aren't much different from any other accessory building or storage shed Councilman Radeff states even those grandfathered in aren't permanent. I mean a chicken is going to die, so at some point they may get down to four. So are we saying once you are down to four you are done? Law Director Graves replies yes. President Rosso states do other cities have legislation like this? Law Director Graves states yes. I believe Avon has a limit of four. President Rosso asks did they also have the restrictions on the property lines? Law Director Graves replies those I believe are in our code. President Rosso states I know of 3 places with complaints, are there more? Councilwoman Gee replies yes. Mayor Bring says I haven't done anything about them because there is nothing in place. President Rosso states there's nothing you can do about it with this legislation either, just new ones. Mayor Bring states then we will document the ones in place if something would pass. President Rosso states you will never find out if a chicken dies and they go and get another one. Mayor Bring responds it's like anything you do. Most people will look at this and say well I can only have four. Will someone always push the limits? Absolutely. But we are trying to maintain proper authority and trying to maintain a city. Councilwoman Gee asks do you remember the red chickens that were chasing cars down Harris? President Rosso states no, but any animal loose would fall under current legislation. Like a loose dog, etc. At large. You could get a ticket for a chicken. I do believe they should be contained and not allowed to wander. I agree you shouldn't be allowed to have 60 but I don't think four is the right number. I think it needs to be based on size. There should be an area required per animal. Mayor Bring states so if you have four dogs does that take up that space, four cats, does that take up that space? Then say you have four peacocks. How much space for each one of those animals? It's too technical. President Rosso replies I think Rosa's got it right. You went to Ohio state website and I've read several articles about raising chickens. All of them say if they are in a coop it's 10 sq. ft. per bird and if they are free range it's just 4 sq. ft. per bird. I think those are reasonable. President Rosso says forget the number of birds. Just the location of the coop makes it impossible for 90% of the city. Councilwoman Stark asks I notice we mention geese but aren't they a protected species, so we could not even do anything with them? Councilwoman Gee responds these are pet geese. Law Director Graves replies not all geese are protected, just some varieties.

Council # 038 -EMERGENCY - An ordinance authorizing the mayor to enter into an agreement with the American Ramp Company for the purchase of various skate park amenities 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

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*Motion by Kovach/Second by Gee for ADOPTION

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

Ordinance Passes #36-19

Council# 039 -EMERGENCY- An ordinance authorizing the mayor to enter into an agreement with Best Equipment Company for the purchase of a leaf collection vacuum trailer and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Cizl for ADOPTION

Councilwoman Gee asks by us purchasing this, is it going to effect the mini excavator? Mayor Bring replies no.

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

Ordinance Passes #37-19

COUNCIL PRESIDENT: None.

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

COUNCIL of June 11, 2019.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring