

**MINUTES OF THE CITY COUNCIL
SHEFFIELD LAKE, OHIO
May 12, 2020**

This regular meeting of the City Council was held Tuesday, May 12, 2020.
Council President Richard Rosso called the meeting to order at 7:00 pm.

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

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

Absent: None.

Attending: None.

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Gee to accept the minutes of the April 28,
2020 meeting with any noted corrections. Yeas All.

CORRESPONDENCE: Monthly court receipts for the month of April 2020- \$974.94.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Wtulich reviewed the minutes of
the May 4, 2020 meeting. There were two sewer credits approved by the committee.

*Motion by Wtulich/Second by Kovach to approve the credit at 633 Harris Rd in the
amount of \$690.64. Yeas All. *Motion by Wtulich/Second by Gee to approve the credit
at 672 Kenilworth Ave. in the amount of \$712.43. Yeas All. *Motion by Gee/Second by

Erdei to accept the report. Yeas All. **Safety:** Chairwoman Stark reviewed the minutes of
the May 6, 2020 meeting. *Motion by Gee/Second by Erdei to accept the report. Yeas

All. **Buildings, Lands, Vehicles & Equipment:** Chairman Wtulich reviewed the minutes
of the May 5, 2020 meeting. *Motion by Gee/Second by Erdei to accept the report. Yeas

All. **Ordinance:** Chairman Radeff reviewed the minutes of the May 5, 2020 meeting.

*Motion by Gee/Second by Kovach to accept the report. Yeas All. **Finance:** None.

Council Representative to the Joyce Hanks Community Center: Councilwoman Gee
states the meeting this month was cancelled. We still are not doing Monday morning

coffee due to COVID-19. **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 reports I would like to thank Servpro. They came out
and disinfected our police cars, ambulance and building inspector's car for free. We
have had numerous kids coming to the parks. Unfortunately, we have had to chase them
away. I am waiting on the Governor's decision and what they are going to do with that.
They announced today that Mayors can make it more restrictive but not less. It's been
frustrating. We did cancel the annual triathlon that was scheduled for June 29th. I keep

harping about the money, but we still don't have exact figures and it's probably going to get worse. As soon as I find out anything on that, I will let you know. *Motion by Erdei/Second by Gee to accept the report. Yeas All. /**SUPERINTENDENT'S REPORT**: Superintendent Hastings states the city was able to complete the road paving program. We had a little bit of follow up on some valve repair and curbs on Lynne and Ferndale. Overall, Crossroads did a fantastic job. Currently we have a number of projects going in construction. ODOT on 301, they are doing restoration with traffic control. KMU has been in town for restoration on the Harris Rd. project. Haynes construction is in town for the Watershed Initiative. ODOT is in town for geotechnical work, that's for the culverts under Lake Rd. in advance of the paving. That paving project is out in 2021-2022. Smith paving is mobilized. They are traffic control for the TLCI project which will start tomorrow. We have Elyria Fencing and our dog park project. That is underway at Freedom Park. The Mayor and I spoke with the county about Community Rd. and that funding is secured. I do not have an update on OPWC funding for Irving Park. However, the city did open bids with the apparent low of approximately \$1.4 million. Cummins is in the area. The Mayor asked me to write a grant that the city was awarded. This was to replace the generator powering city hall, police and fire. Our unit is over 30 years old. To address councilman Radeff's comments on the OWDA; after speaking with the Law Director, the authorization to apply is already in place. With the authorizing legislation, we can put the project to bid. So, if we awarded the loan, it would be followed up with a resolution or permission to enter into an agreement. Councilwoman Stark asks I now 301 is a village project but do we know how long that is going to be going on? Superintendent Hastings replies I would be guessing, but I think I read 6 weeks. Councilman Radeff states you said the road paving was complete. Did we do all the roads on the list? Superintendent Hastings replies no, we did not do Forestlawn Ave. We are writing a safety grant that became available that would widen it. It would include curbs and gutters. I think two didn't make it, one of which I'm trying to fund with the grant. Gayle was the other one. Last year we did not do the interior road paving due to the high cost of Abbe and Harris. *Motion buy Gee/Second by Kovach to accept the report. Yeas All. /**FINANCE DIRECTORS REPORT**: Finance Director Smith reports attached tonight is the March balancing report. I will have April by the next meeting. I'm still waiting to hear what everyone is estimating will be our losses. Our permissive tax which funds our roads is going to be delayed because the BMV has been closed. We have lost an estimated quarter of a million in income tax that we will never regain. We will be seeing a lag of income tax that we probably won't recognize those revenues back into our budget until 2021. For the next 6 weeks I will be doing our 2021 budget. Mayor Bring states that on tv today that the people who are collecting unemployment should be putting money aside. They are going to get taxed on that. Instead of getting a huge tax bill at the end of the year, everybody should prepare for that. *Motion by Kovach/Second by Gee to accept the report. Yeas All. /**LAW DIRECTORS REPORT**: Law Director Graves states we continue to work on the acquisition of the property related to Speedway and the Community Rd. project. We did have some favorable results involving litigation. One of the lawsuits that I briefed Council on previously, was dismissed by the plaintiff. There was another unrelated filing which is meritless as far as I'm concerned. That was dismissed by the judge. We have council #021 establishing the regulations for wireless

cell communication towers in the city. Sheffield Lake really doesn't have significant regulation. Council #022 regulating small cell wireless telecommunication towers in the right of way. We already have a few. This is the subject of the lawsuit that was filed when the State initially attempted to take away all home rule powers to regulate these in the right of way. The lawsuit was brought on behalf of numerous communities. As a result of that, the General Assembly rolled back a lot of their restrictions and allowed some local regulation. This is the model ordinance most communities are adopting to have some local control. Council #023 is in regard to a project on the horizon. It's two box culverts on Lake Rd. The superintendent was able to get grant money for this. Because it is federal money, they are requiring we enter into an agreement to abide by all the federal highway regulations. This authorizes the Mayor to enter into that agreement. *Motion by Erdei/Second by Gee to accept the report. Yeas All

CITIZENS COMMENTARY: *Doug Harvel, 785 Robinwood Ave.* I'm here to try and find out what's going on with the building across the street. I heard it was going to be a group home. I don't have a problem with anyone with a disability, I'm just trying to get answers of how a business can be put in a residential area. I received a letter for the zoning board for next Thursday. It says there is a variance request for a proposed side yard of 8.5 ft. on the east side of the building at 801 Robinwood Ave. Is it going to depreciate the value of my home? I heard it is 3700 sq. ft. Then I heard the first three were approved and this one wasn't. President Rosso states there was no approvals from Council for building but there was rezoning of lots but not all of them needed it. Council doesn't approve construction. Law Director Graves states North Coast Design Build made application to build four group homes in the city. These are residential homes for adults with disabilities. They are classified as residential homes under the fair housing. They have state subsidized care takers which are characterized as similar to home health care in any residential home. We do already have other residential group homes in the city, and this will be no different. The rezoning at three of the four locations put additional restrictions on the construction. The lot on Robinwood is R-1 and is appropriate for a residential district. The variance being requested is very narrowly tailored in scope. It is a result of the plans being structured in accordance with R-2 zoning, which only requires a 5ft. side yard setback. This proposed project has an 8.5 ft. proposed side yard setback and R-1 zoning requires 10ft. These homes are classified as single-family residences. The residents do meet the definition of a family, which is a group of people sharing common living spaces.

Bruce Lourie, 790 Robinwood Ave. If this is citizen's talk, why would we be shut down and not allowed to talk? President Rosso replies it is citizen's commentary, not discussion or debate. This is meant for you to come up and make your statements. You are given three minutes. The law requires one minute, but we give three. After the meeting if administration is available, you can have a discussion. Or set up a meeting time to talk.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS:

COUNCIL #019- TABLED – A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY

OF SHEFFIELD LAKE, THE CITY OF AVON, THE CITY OF AVON LAKE, THE CITY OF NORTH RIDGEVILLE AND THE VILLAGE OF SHEFFIELD TO ESTABLISH A 700 MHz 5-CITY REGIONAL RADIO SYSTEM AND THE DECLARING OF AN EMERGENCY.

COUNCIL #021- FIRST READING- AN ORDINANCE ESTABLISHING CHAPTER 1123 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES REGULATIONS AND THE DECLARING OF AN EMERGENCY.

COUNCIL #022 – FIRST READING - AN ORDINANCE ESTABLISHING CHAPTER 1125 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING USE OF PUBLIC RIGHT OF WAY FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE DECLARING OF AN EMERGENCY.

Councilman Cizl asks Mr. Hastings, is the small cell tower on Lakewood Beach at Lakewood Beach Park or on Lakewood Beach? Superintendent Hastings replies near Lakewood Beach Park. At Lakewood Beach and Lake Rd., the northside of Lake Rd.

COUNCIL #023 – EMERGENCY - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHEFFIELD LAKE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT BETWEEN THE CITY OF SHEFFIELD LAKE AND THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE REPLACEMENT OF TWO BOX CULVERTS ON LAKE ROAD (US 6) AND THE DECLARING OF AN EMERGENCY.

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

Councilman Erdei asks where are those on Lake Rd.? Superintendent Hastings replies one is 4750 Lake Rd. west of Lafayette and the other is just West of Elm St.

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

*Motion by Kovach/Second by Gee FOR ADOPTION.

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

Resolution Passes #20-20

COUNCIL PRESIDENT:

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:45 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

this is a true and exact copy of the Minutes of
COUNCIL of May 12, 2020.

MAYOR
Dennis Bring