

**MINUTES OF THE CITY COUNCIL
SHEFFIELD LAKE, OHIO
July 28, 2020**

This regular meeting of the City Council was held Tuesday, July 28, 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, Law Director Graves,
Superintendent Hastings.

Absent: None.

Attending: None.

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Gee to accept the minutes of the July 14, 2020 meeting with any noted corrections. Yeas All.

Worksession - *Motion by Kovach/Second by Gee to accept the minutes of the July 21, 2020 meeting with any noted corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: Dave Dibenedetto states for years we have been trying to do something at the shopping center because I see the vision of what it could be. I have some friends out of Columbus that would really like to give it a facelift and redo it. They would like to add condos and apartments. I think it is a great location because it is by the water.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: None. **/Safety:** None. **/Buildings, Lands, Vehicles & Equipment:** None. **/Ordinance:** None. **/Finance:** Chairman Cizl reviewed the minutes of the July 21, 2020 meeting. *Motion by Gee/Second by Erdei to accept the report. Yeas All. **/Council Representative to the Joyce Hanks Community Center:** None. **/Council Representative to the Park Board:** Representative Kovach reviewed the minutes of the July 20, 2020 meeting. President Rosso states I stopped up at Shell Cove Sunday and they have put in a center stone that is very nice and looks beautiful. They also put in the new bricks. **/Representative to the Planning Commission:** Representative Gee reviewed the minutes of the July 15, 2020 meeting. **/Council Representative to the Zoning Board of Appeals:** Representative Erdei reviewed the minutes of the July 16, 2020 meeting.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reports we did have a sizable water leak today on Dunny. The service building siding is about 90% complete. We have one more air conditioning unit to purchase and we will take the one unit out of the window. The shutoffs are going into effect now. We have sent the letters out and some people are not happy. The group homes we ok'd are moving along nicely and I have heard no complaints. The tree Mr. Cizl asked about on Lake Rd. is going to be taken down in the

next two weeks. Our Covid cases three weeks ago were at 26 total. The following week there was a large jump of 12 new cases. Last week there were 5 more putting us at a total of 43 cases. I think there were only 2 who were transported by ambulance and the rest were pretty mild cases. *Motion by Erdei/Second by Gee to accept the report. Yeas All. /**SUPERINTENDENT'S REPORT:** Superintendent Hastings reports the water break on Dunny was a pretty significant line, a 12in. transmission line. It was that big because it was near the water tower. That was a telephone pole and auger going in and the line was not marked. You typically have a 3ft. variance and we were just outside of that. It has been repaired. If the safety of the water was compromised, we would contact all local newspapers, local tv stations, our texting service and post it on the website, etc. In this case, it only affected Dunny and a precautionary boil alert was issued for 24 hours. The water department is in the middle of a pretty significant transition right now on the software. It does involve CMI and switching over to Muni-link. Once that is done, we will connect Muni-link with our NECO AMI system, that's all the meters, then we involve a third-party printer. In the background is our online payment service with PSN. Basically, when we stopped the billing last month, we had about a three-week window for all these software companies to get together. Admittedly, it has been challenging. As of today, we are still not quite ready to send them to the printer. It may be necessary for the mayor or council to give an extension on the due date. At Worksession, I commented on needing legislation for the OWDA, that was actually already passed by you on July 14. What I need is a review of the cooperative agreement that will be forthcoming to the mayor for his review and signature. Councilwoman Stark asks if we have to pass something for the bills, would it need to be done tonight since we don't have council before then? Superintendent Hastings replies in the past it has been extended by the administration. I don't know if there was any legislation supporting that. Law Director Graves asks the deadline is in the code, correct? Superintendent Hastings replies correct. Law Director Graves states in circumstances such as this, we could extend that. We may have to have some retroactive legislation. Councilman Cizl states I am happy to announce that our boat launch is being used a lot. I did have a question about the boat dock where it goes down the ramp and is real slippery, you guys are doing a great job keeping it clean, but are we liable for that section? I know you said you couldn't get wood. If you stand there and watch, you can see people slip and fall. I'm just wondering if there is any liability for the city. Law Director Graves replies my public position tonight is there is not going to be any liability for that. We are aware and our taking steps (inaudible). Councilwoman Gee states I contacted you about a mound of dirt in the middle of the road, was that addressed? Superintendent Hastings replies I did not follow through, but they were contacted. Councilman Erdei states we can't control the lake level. If it goes over, it goes over, that's mother nature. Other marinas are having the same problem. Mayor Bring states we tried to address that, but treated decking boards are almost impossible to buy right now. There is a huge shortage and they were not available. I was at a lumber yard today and they had no idea when the trucks would be coming. *Motion by Gee/Second by Kovach to accept the report. Yeas All. /**FINANCE DIRECTORS REPORT:** Finance Director Smith has no report. /**LAW DIRECTORS REPORT:** Law Director Graves reports I want to clarify that when Councilman Erdei said zoning board approved the proposed development, I think he was just looking at Mr. Siebenhar's

report from planning. It did not require any action by the zoning board. I would strongly encourage members of council to read the minutes from the planning meeting. In conversation with the finance director, at the last meeting in August I am going to be bringing legislation affirming the CARES ACT funds can be designated for reimbursement for payroll expenses. Originally, those funds were only to reimburse actual outlays for COVID expenditures. They have since expanded that. They have to be substantially dedicated to addressing the COVID health crisis, which public safety forces are presumed/deemed substantially dedicated. The second facet of that is that their duties have to be substantially different than those that were anticipated when the last budget was passed. The thought is that the entirety of those payroll expenses can be reimbursed. Even if they are doing duties that were anticipated previously, those duties have been repurposed. Almost everything they are doing these days is under the cloud of the coronavirus. Once we receive this money, it would have to be appropriated by October 15. Anything not encumbered would have to be sent back and then it has to be spent by December 30. Council #032 is we have an entity that wants to construct a telecommunications tower at Ferndale Park. This being public property, any sale or lease has to be publicly bid for a period of not less than 5 weeks. This authorizes the city to bid this out. The possibility does exist that someone else may put in a bid. If the entity that wants to build the tower wins and wants to proceed, it would go into a planning commission review. Council #033 authorizes us to enter into a letter of intent with Tarini Development for the purchase of the shopping center. This is just an LOI which is a non-binding agreement.

CITIZENS COMMENTARY: None.

UNFINISHED BUSINESS: President Rosso states going forward, this is where we will discuss the Corna/Morrow project.

NEW BUSINESS: Mayor Bring states with some of the things going on, there is a committee or group, the CRA, that we probably need to get going. Law Director Graves states several years ago we designated the city of Sheffield Lake as a community reinvestment area with the idea we could offer a tax abatement or tax exemption agreements for new construction or expansions in the city. The first step is that there is a board who would review those. They would not allow review and approve new applications, but they would also do annual reviews for any businesses that we granted a tax exemption to make sure they are keeping up with their job creation or (inaudible). Any tax exemption would have to create jobs or retain jobs. In this case, creating new jobs. The greater the tax exemption, the more jobs you want to see them create. We don't have anyone on the board currently. I think it's 7 members and one of those has to be a representative of the school district. Mayor Bring states I would like to get this going because it will delay some of the things we want to do. Law Director Graves states we should convene the Charter Review Commission. At least as a council, we should consider a couple of proposals to amend the charter. Three in particular that I am aware of are in regard to language in the charter that requires the ex-officio membership on various boards: Zoning Board of Appeals, Planning Commission and Parkboard. It's ambiguous the way it reads. It simply says that various city officials are ex-officio members of these boards. An ex-officio member without any other clarifying language simply means that whoever holds that position is a member of that board. It doesn't clarify whether or not they are voting members or if

they count toward quorum. In the absence of that, we have had to make some rulings after careful review of our ordinances and charter. While we are not bound by Robert's rules of order, it's a helpful guide as to how to answer some of these ambiguities. President Rosso states charter changes have to be voted on in a general election. Law Director graves replies correct. President Rosso states I don't think there is enough time to get them on the ballot for this November. Law Director Graves states correct, I'm just throwing it out there for future. There have been times in our history where council has unilaterally proposed charter changes without having the whole charter review commission involved. So, we either need to get that commission together or do it on our own. President Rosso asks there are 5 on charter review? Law Director Graves replies I think it may be 7. It's more than a typical board.

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 #032- EMERGENCY - AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE LEASE OF A PORTION OF FERNDALE PARK FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS TOWER AND THE DECLARING OF AN EMERGENCY.

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

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

***Motion by Kovach/Second by Gee for ADOPTION.**

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

Ordinance Passes #31-20

COUNCIL #033- EMERGENCY- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LETTER OF INTENT (LOI) WITH TARINI DEVELOPMENT LLC AND TO NEGOTIATE AND ENTER INTO A PURCHASE AND SALE AGREEMENT UNDER THE SAME OR SUBSTANTIALLY SIMILAR TERMS FOR THE PROPERTY KNOWN AS THE SHOREWAY SHOPPING CENTER AND THE DECLARING OF AN EMERGENCY.

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

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.

Resolution Passes #32-20

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:35 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 July 28, 2020.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring