

**MINUTES OF THE CITY COUNCIL  
SHEFFIELD LAKE, OHIO  
July 9, 2024**

This regular meeting of the City Council was held Tuesday, July 9, 2024.  
Council President Rosso called the meeting to order at 7:01 pm.

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

Present: President Rosso, Kovach, Gee, Wtulich, DeBottis, Petrucci, Finance Director Fallis, Law Director Graves.  
Excused: Stark, Cizl, Mayor Radeff, Service Director Hastings.  
Attending: Citizens.

**READING OF THE MINUTES:**

**Council** - \*Motion by Kovach/Second by Gee to accept the minutes of the June 25, 2024 meeting with any noted corrections. Yeas all.

**CORRESPONDENCE:** Quarterly HR Report.

**PRESENTATIONS:** None.

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**CITY COUNCIL REPORTS**

**Roads, Drains, Water, Sewer and Refuse:** Chairman Wtulich reviews the minutes of the July 1, 2024 meeting. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. **/Safety:** None. **/Buildings, Lands, Vehicles & Equipment:** Chairman Wtulich reviews the minutes of the July 2, 2024 meeting. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. **/Ordinance:** Chairman Cizl excused. President Rosso says I had a conversation with him and I'm not sure where we are at or where we are going on the two ordinances on the agenda which are street parking and golf carts. Our August meeting is going to be August 13<sup>th</sup>. That is usually a very quick meeting. Anyone who wants to share their comments or opinions on the issue of should we or should we not allow golf carts on city streets and if we should or should not change the parking, please come to that meeting and state your comments or concern. All that is, is providing information for the ordinance committee and council if they decide to do anything. So I'm clear, 80 people could come and agree that they want it, but it does not mean council is going to vote that way. There are 9,000+ people in the city. If no one shows up, it would be my recommendation we just take them off the ordinance agenda. **/Finance:** Chairwoman Stark Excused. **/Council Representative to the Joyce Hanks Community Center:** Representative Gee reports today was the BNI ribbon cutting. This is a very good group. If you have a business, I suggest you reach out to them, because they are always looking for more people to join. It's networking different businesses. For August, we are taking vacation from Monday morning coffee. We will be back in September. In the meantime, we are looking forward to taking a trip sometime in August to do the scenic railway. We will be at the next Park Board meeting to discuss the bocci ball court to be done with the funding from the Mind Challenge. Councilman DeBottis asks is there a special event happening there this week?

Representative Gee replies yes, there is. There will be karaoke this coming Monday and it's open to anybody that wants to come. /**Council Representative to the Park Board:** None. /**Representative to the Planning Commission:** None. /**Council Representative to the Zoning Board of Appeals:** None.

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### ADMINISTRATIVE REPORTS

**MAYOR/SAFETY:** Mayor Radeff is excused. / **SERVICE DIRECTOR'S REPORT:** Service Director Hastings is excused. / **FINANCE DIRECTORS REPORT:** Finance Director Fallis reports before council tonight is an ordinance regarding appropriations. This is what I will call expense neutral. It doesn't add any expense or decrease our expense. We are looking to increase various expense accounts to implement our Microsoft email project that is part of beefing up our security for our software system. The other pieces of this are we are requesting a movement of appropriated dollars to the employee salary roads account from the park salaries and the employee salaries from stormwater. In the payroll system, employees are mapped to an expense account and for whatever reason, in the park salaries and the storm water, the amount that was appropriated at the beginning of the year, has turned out to be significantly more than the salaries that we are paying in the current year. The amount of salaries going to the roads account are almost used up already. So, we have more employee's payroll being posted to that account than what was originally appropriated for. I'm asking for an increase in employee salaries by \$100,000 and a decrease in salaries from stormwater and park salaries. Lengthy discussion on Council #033 with the following key questions/answers: President Rosso says I did some following up on this when I saw the 630. Those are enterprise accounts and we can't move money from those into other accounts. You can change the payroll program to pay out of those accounts, but legally we cannot take money from an enterprise account and move it to another account. I'm very leery about this one. I don't know what happens if we pass something that turns out to be wrong. If council is on the hook, the city is on the hook, I know for a fact that we cannot move money out of an enterprise account. You can borrow against it, but it's got to be repaid by the end of the year. I believe, which I've never seen done, that you can gift it. Payroll as in the past, should be pulling from those accounts to pay expenses/employees. Legally, I don't believe we can move out of an enterprise account. Finance Director Fallis replies I met with Pat a couple days ago and we talked about that very issue. Originally, I forgot that rule and was asking him to move money out of a couple of water funds, because I could see there was extra money appropriated and we weren't gonna spend it this year. He said we can't do that, but he said we could take money out of the storm water account. President Rosso states you can pay out of the stormwater account. I talked to Pat today also. You cannot move money out of the stormwater account. Finance Director Fallis says I think the utilities account is the water and the waste water. I don't believe the stormwater is a part of the utilities. Since that is a point of contention tonight, I respectfully ask council to remove the employee salary stormwater of \$60,000 and then change the employee salary roads to \$40,000. Thereby, the issue of concern is eliminated. President Rosso responds I'm not sure that's legal either. Finance Director Fallis says I would respectfully ask for an amendment tonight by council to make those adjustments. Law Director Graves says council could move to amend the ordinance prior. It would require a motion to amend council #033 as the finance

director pointed out. President Rosso says I am under the same impression after doing research, that we can't move from park salaries into 202. 202 has a funding source. I'm ok if we want to amend tonight's agenda and remove those bottom three until we figure it out. Finance Director Fallis replies I have payroll this week and I don't know if I have enough money to go into the employee's salary roads account. It's going to be very close. President Rosso replies if my options are I don't pay the road people or I spend some time in jail, I really don't care about paying the road people. I don't want to break the law. Payroll should be pulling from those accounts, there is money sitting there. Finance Director Fallis replies you are right, but it was not setup appropriately. President Rosso responds that's the way it was pulled last year. Finance Director Fallis says I can't speak for last year. I'm telling you that the amount of money that's going to the employee roads salary account, the amount of money that is being posted there for the first 6 months of the year, is much more than appropriated. Why that happened, I can't answer that. I'm trying to fix the situation. President Rosso replies and I am willing to fix it as long as it's legal to fix. Are we saying we can't pay the people on Friday? Finance Director Fallis responds it's very close in whether we have enough money appropriated. President Rosso states with only 5 of us here tonight, it would take all 5 to suspend the rules. Councilman DeBottis asks how did this happen? Finance Director Fallis replies a week or two again I was alerted by our payroll clerk that we only have x number of dollars in the road fund and we need to appropriate more money so I started working on this particular ordinance to correct the situation. President Rosso asks why is payroll pulling from different accounts than it's pulled from in the past? Finance Director Fallis replies it's how the employees are setup. The accounts that were appropriated were not appropriated correctly. President Rosso says part of the stormwater utility money pays for a salary in the road dept. and that money has to be pulled from stormwater utility, but apparently we aren't pulling it out of that account, we are pulling it out of the 202.330 account. The question is between now and Friday, can we change payroll to pull from the correct accounts. Finance Director Fallis replies as far as I know, the payroll we get is being pulled from the right accounts according to what I get from the various departments. The issue is that the money was not appropriated correctly at the beginning of the year. President Rosso replies I don't agree with that. Councilwoman Gee says there is a lot of confusion on this right now and I really am uncomfortable about even considering passing this. Finance Director Fallis says I'm asking you to work with me. President Rosso replies my ultimate goal is not to not pay people, just that we do it right. Councilwoman Petrucci asks so, that's for the payroll coming up this week, if there is a problem, what happens after that? President Rosso replies I would hope by next Tuesday's finance meeting, we have answers. Councilman Wtulich asks why can't we change it to come out of stormwater? President Rosso responds that's where it should have been coming out of all year and the parks salaries. Councilman DeBottis asks isn't 630 a tax increase? Law Director Graves replies I'm not aware. President Rosso says no, that's stormwater utility and it's fed from the stormwater utility fee that's on the water bills and that's what it's gotta be used for. Finance Director Fallis says I ask that council consider making this amendment to this legislation. What we would do is strikeout the parks salaries for \$40,000, we would strikeout the decrease in employee salary stormwater by \$60,000 and the increase in the employee salary for roads, instead of that being \$100, I would ask that be a \$15,000 increase and then we would decrease hospitalization in the 202 account by \$15,000. That would at least give me time to make

sure we have enough money in the employee salary roads account for payroll this week and then we will figure it out in the next several days. Councilwoman Gee asks we will make sure the \$15,000 is paid back that we are taking out and in 2 weeks, we won't have an issue with payroll then? Finance Director Fallis replies I have to look at that. If a person works out of the road dept., they have to get paid out of the road dept. President Rosso says that's not entirely true. They work in the road dept. but some of them get paid out of stormwater, some get paid out of parks and that's gotta be in the payroll. It's been that way ever since stormwater and parks merger. For years they have been pulling out of the correct accounts. Finance Director Fallis says I am going to have to talk to Pat and look at each employee in his area and ask him what depts. do these work in. I would start with asking Stacy where these accounts pulled from last year. We can unencumber some of the employee salary roads and keep the payroll going while we sort this out. Council decides to hold an emergency meeting Wednesday July 10, 2024 at 7pm to discuss Council #033. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. /**LAW DIRECTORS REPORT**: Law Director Graves reports just an update on where we are with the civil service commission; at their next meeting on July 25<sup>th</sup>, they will be certifying a new list of eligibles for the police dept. Also, we have to reschedule the sergeant's test again. There is going to be a public hearing on various revisions and amendments to the civil service rules. As you are aware under the charter, the civil service commission does have the authority to adopt their own rules. Those do not get approved by council. At the ordinance meeting, Councilmen Cizl and Wtulich both voted to have me draft an ordinance on the short-term rentals/Airbnb's. That revision would provide for short term rentals in any residential district as a conditional use. Each individual application would have to be submitted to the building dept. and would then go to planning for recommendation and would then come to council for a public hearing and a vote. Law Director Graves reports we did receive notice that our full-time residential building inspector is resigning effective this Friday. Law Director Graves reports on the legislation for the evening. Councilman DeBottis asks on the Airbnb's, is a letter going to go out to everyone that lives in the areas they would affect? Law Director Graves replies if it were to pass in the manner I described, it would be a conditional use. When they apply for that, it would require a meeting of the planning commission, recommendation to council and then a public hearing that would require the same kind of notification as a variance; adjoining, adjacent and abutting property owners. Councilman DeBottis asks on the 028, I noticed this company did business with Avon recently and one thing in that contract compared to ours, is a reset to zero, which we don't have that language in ours as far as her commission. Can we add that language? Law Director Graves replies I'll take a look at it. \*Motion by Gee/Second by Kovach to accept the report. Yeas All.

**CITIZENS COMMENTARY:** *Bob McCreary, 900 West Dr.* says what I would like to see with these hometown hero banners they are putting up, is there are 13 from Brookside High School that were killed in Vietnam and I would like to see the city take one of the banners and put their names on them. That banner, put it up by Shell Cove Park or where the Brookside Memorial thing is. President Rosso says I will talk to the mayor, it's not really a council decision. I would be willing to bet the VFW would let us use \$105 out of the \$5,000 they donated to put that banner up.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** Councilman DeBottis asks with the banner, could we possibly double the size, that way the names can be seen very clearly? President Rosso replies I'll talk it over with the mayor. After my discussion with Mr. Cizl, I wanted to share what I believe our process should be. Items come up within a council committee that has at least three members, items need to be discussed there and they need to take action. Once an item clears that committee, it gets 2 out of the 3 votes or 4 out of the 7, it should then be moved onto work session and ask the law director to write up a proposed ordinance, etc. and that should be reviewed by the committee to make sure it's what they want and then it should be referred to work session for council to review. At work session, if there are no changes/it gets agreed upon, it will move on, but we shouldn't move things out of committee that don't have a majority vote. Law Director Graves states one of the recommendations was the mayor would sponsor something to put in front of council to get it to a vote so it doesn't die in committee. Short discussion about how the process has/should go. Law Director Graves says going back to Councilman DeBottis' question, I am unclear. You were talking about the commission term resetting; the contract says the term commences on Oct. 1<sup>st</sup> and ends Sept. 30<sup>th</sup> of the following year. That would reset it.

**ORDINANCES AND RESOLUTIONS:**

**COUNCIL #011- TABLED-** AN ORDINANCE VACATING PORTIONS OF PARKVIEW DRIVE, IVANHOE AVENUE AND FERNDALE AVENUE AND THE DECLARING OF AN EMERGENCY.

**COUNCIL #025- THIRD READING-** AN ORDINANCE INCREASING THE RATE OF PAY FOR THE POSITION OF COMMERCIAL PLANS EXAMINER EFFECTIVE APRIL 1, 2024.

\*Motion by Kovach/Second by Gee FOR ADOPTION.

ROLL CALL FOR ADOPTION: Wtulich, Kovach, Petrucci, DeBottis.

Nay- Gee

***Ordinance Passes #28-24***

**COUNCIL #028- SECOND READING-** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PAULA PITASKY LLC d/b/a ENCOMPASS MARKETING TO SOLICIT AND OBTAIN SPONSORSHIPS FOR THE BENEFIT OF THE CITY AND THE DECLARING OF AN EMERGENCY.

**COUNCIL #032- FIRST READING-** AN ORDINANCE DETERMINING THAT CERTAIN MUNICIPAL PERSONAL PROPERTY OF THE CITY OF SHEFFIELD LAKE FIRE DEPARTMENT IS NOT NEEDED FOR PUBLIC USE, IS OBSOLETE AND UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, THAT THE PROPERTY HAS NO VALUE AND AUTHORIZING THE FIRE CHIEF TO APPROPRIATELY DISPOSE OF THE PROPERTY AND THE DECLARING OF AN EMERGENCY.

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

ROLL CALL FOR SUSPENSION: Petrucci, Wtulich, Kovach, DeBottis, Gee. Yeas All.

\*Motion by Gee/Second by Kovach FOR ADOPTION.

ROLL CALL FOR ADOPTION: Kovach, Wtulich, Gee, DeBottis, Petrucci. Yeas All.

***Ordinance Passes #29-24***

**COUNCIL #033- FIRST READING-** AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT, INCREASE, AND/OR DECREASE OF CERTAIN FUNDS WITHIN THE ANNUAL APPROPRIATIONS ORDINANCE OF THE CITY OF SHEFFIELD LAKE, OHIO, AND THE DECLARING OF AN EMERGENCY.

**COUNCIL PRESIDENT:** None.

**MEETING ADJOURNED:** With no further business before this council, \*Motion by Kovach/Second by Wtulich to adjourn at 8:02 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.

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**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 9, 2024.

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**COUNCIL PRESIDENT**

*Rick Rosso*

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**MAYOR**

*Rocky Radeff*