

**MINUTES OF THE CITY COUNCIL  
SHEFFIELD LAKE, OHIO  
November 12, 2024**

This regular meeting of the City Council was held Tuesday, November 12, 2024. Council President Rosso called the meeting to order at 7:00 pm.

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

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

Excused: None

Attending Videographer, citizens.

**READING OF THE MINUTES:**

*Council* - \*Motion by Kovach/Second by Gee to accept the minutes of the October 22, 2024 meeting with any noted corrections. Yeas all.

**CORRESPONDENCE:** Monthly report of court receipts for October 2024- \$3,500.

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**CITY COUNCIL REPORTS**

*Roads, Drains, Water, Sewer and Refuse:* \*Motion by Wtulich/Second by Gee to approve the sewer credit at 413 Elm St. in the amount of \$72.00. \*Motion by Wtulich/Second by Gee to approve the sewer credit at 4136 Lake Rd. in the amount of \$2,160.00. Chairman Wtulich reviewed the minutes of the November 4, 2024 meeting. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. /*Safety:* Chairman Kovach reviewed the minutes of the November 6, 2024 meeting. \*Motion by Gee/Second by Cizl to accept the report. Yeas All. /*Buildings, Lands, Vehicles & Equipment:* None. President Rosso says we are looking at making the December meetings the first three Tuesdays, the 3<sup>rd</sup>, 10<sup>th</sup> and 17<sup>th</sup> and that would impact Buildings and Lands and Ordinance. We also will be having a public hearing for the budget on the 3<sup>rd</sup>. We can either cancel or move depending on what you guys want to do. Decision is made to wait and see if anything comes forward before cancelling. /*Ordinance:* None. /*Finance:* None. /*Council Representative to the Joyce Hanks Community Center:* Representative Petrucci reports tonight is the second reading of the ordinance asking to increase the rates for the Joyce Hanks Center. /*Council Representative to the Park Board:* Representative Kovach reviewed the minutes of the October 21, 2024 meeting. /*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 reports we did receive our vista signs from Coastal Management on Friday. Every year when they receive funds, the question is asked of how many vistas there are along the lake and up until recently, there were none. They went out

and looked at all the parks along the lake and scored based on viewing, seating, etc., and two of our parks scored very high. One was Shell Cove and the other was the Boat Launch. There will be signs posted there with QR codes that link you to the site and has an interactive mapping trail on it. Our property maintenance, Keith, one benefit of him coming here is he is good with IT. He was able to look into our system and find we have the ability to create a format so people could submit complaints or issues that go directly to him. When you submit it, once it's completed, it should send a message back to you saying that they already considered the complaint and a resolution. We applied for the Coastal Management Grant and step one was the initial application and they review those and then invite so many people to apply for the full application. We found out today that we got past the first step. The goal with that is it would be money to create a master plan for the lake front. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. / **SERVICE DIRECTOR'S REPORT:** Service Director Hastings has no report. / **FINANCE DIRECTORS REPORT:** Finance Director Rummel reports I met with all the department heads to discuss the budget and that will hopefully be done in the next few weeks. I have been working with Chief Novak on the SAFER Grant. Finally, for our 2024 audit we will be looking at Zupka and that will be part of Council #054 this evening. \*Motion by Gee/Second by Kovach to accept the report. Yeas All. / **LAW DIRECTORS REPORT:** Law Director Graves reports on the legislation for the evening. Councilwoman Gee says I got a phone call in respect to Erie Shores Park pathway that was paved and goes all the way to the private road. One of the residents on the road wanted to know if there was anyway there could be something letting people know that that area was private property. Service Director Hastings replies it's a public road. That walkway connects to a city sidewalk so the public can traverse through the park if they desire. Law Director Graves states and we maintain that and plow it. \*Motion by Gee/Second by Kovach to accept the report. Yeas All.

**CITIZENS COMMENTARY:** David Cheyne, 5365 East Lake Rd. says my comments are about the amendments coming up for first reading. The concern regarding this was the degree of review that was carried out. Council has the ability to relook at the review criteria and examine that. I understand the chairwoman's situation in this particular case. She's in a difficult position in that she resides within the area and as such, sort of recused herself from pushing forward on insisting that a diligent review was undertaken. Let's look at a couple of the criteria that should have been looked at in terms of your ordinances. The first one is, is it consistent with adopted plans and the purpose of the code. The recently reviewed and adopted master plan states that industrial areas should have incentives and tax abatements to attract industry. Industry that could add to the city's tax (inaudible). It also states in the terms of the planning and zoning code's purpose, that largely within an enclosed building to allow for a clean and quiet industrial area. Item #2, is the necessary or desirable changing conditions and new planning concepts, it's really peculiar that we just accepted the new planning code and must rereview this in terms of new planning concepts. (inaudible) I'm sure other uses can be visited. #6 in terms of the review criteria, not likely to result in significant adverse impact on the natural environment including noise. Such impact should be substantially mitigated. No discussion was done regarding sound walls or anything you could erect. The final one, #8; not likely to result in significant adverse impacts on property in the vicinity of the subject tract. That doesn't mean just adjoining properties, that's all the properties around it. This industrial property that you're thinking about changing the rights to, is massive. If

somebody wanted to do something bigger about it, it would have significant impact. So, I seriously oppose this.

*David Mellott, 4675 Edgewater Dr.* says I wanted to sensitize council to some concerns my neighbors and I have with the connectivity project and how it's going to impact us in its' implementation. The first issue is the routing of it. I know this has been in the planning works for a while, but it doesn't get real until you actually see what's gonna happen with your property. The way it's setup right now, it's gonna take 8ft.+ into our property. We are on the north side of Lake and it is going to take 5-6 mature trees which can not be replaced. The trees are important to the neighbors because of the Dollar General going in and the affect it was going to have on the neighborhood. These trees are actually sort of the blockage for the neighbors in terms of light and sound. They are not going to be replaced in our lifetime. We are supposed to be getting answers, but we don't have yet about rerouting to the south side. It's already planned for at least a portion of the south side and will cross to the north side around the Hanks Center, go down to Harris and recross back to Harris, go down on the south side and cross again somewhere by Bi-Rite. In our area, it is going to add two more crosswalks. Personally, I think it's going to be a safety hazard. It's a very busy road and these cars don't stop when you're in the crosswalks. There's no lights there like up at Shoreway and the library. That's a concern too. We don't see why it can't be rerouted to the south side. It looks like it's feasible without really hurting the businesses. We would like for the person in charge to take a look at that. If it's gotta stay on the north side, do we really need 8ft. wide sidewalk? Can't it be more narrow? I asked for an explanation of why 8ft. and the best answer I've gotten from Don at ORC is 8ft. would be wide enough to allow two wheelchairs to pass each other. I've never seen two wheelchairs out on any sidewalk trying to pass each other. If you narrow it down, you are going to save the trees and probably save some money in the implementation. My final point would be we've got conflicting information about the maintenance of it. I was initially told by a representative of the city that the city would take over snow removal. I just turned 71 years old, I guarantee I'm not going to go out there and shovel snow. More recently we got conflicting information that as an adjacent property owner, we would be responsible for shoveling this 8ft. wide sidewalk. There really needs to be some commitment on the part of the city that that would be maintained if it has to stay on the north side. I think there is a little inconsistency too with what is being offered pricewise for the property based on this appraisal vs. what the market value is for tax purposes. I should either get paid probably more than twice of what the offer is or my taxes should go down because the tax value should be reduced.

*Cindy Cheyne, 5365 East Lake Rd.* states regarding amendment #53, one of the reasons I oppose outdoor recreation in the very large industrial area is noise. This amendment is going to facilitate a noisy environment. We were told at the September 24<sup>th</sup> meeting that noise ordinance violators will be cited. Past behavior is the best predictor and I can tell you that is unlikely to ever happen. In a different situation for the past 7.5 months, residents have dealt with bike night events at Pez's. We followed police instructions calling to report excessive noise, filing reports with evidence, providing proof that the police weren't properly measuring, that Pez was cited for noise once. When the police actually measured noise at 25 decibels as they did on June 25<sup>th</sup>, they refused to cite them for noise. Instead, the complainants are treated as part of the problem. We made it clear in that case that we wanted to remain anonymous as we were legally entitled to do. During one event, police parked across our driveway blocking our access. At another event without us even calling, they

came to our house in a marked car to see what our problem was. This made it obvious that we were one of the complainants and as a result, we have been harassed multiple times. When filing police reports, I once asked why Pez wasn't being cited for noise and I was told "well, 60 decibels is just you and me speaking right here", implying that that was unreasonable to bother enforcing. I was also told we should just go out on Tuesday nights. So, my husband and I should go out and let people who are violating the ordinance have fun on their property, but we shouldn't enjoy ours. Another officer told me the situation with Pez's was outrageous and would never be resolved except in court and that ourselves and Pez should sit down with a mediator, as if we were part of the problem. This is about a violation of a city ordinance. Now, when there is something the city clearly favors like a food truck park, we are expected to have confidence that the city will enforce its' laws? There hasn't even been a formal proposal submitted yet and you're already bypassing mandated review process to expediate the passage of preliminary legislation. At the October 16<sup>th</sup> meeting, we were told that once #52 and #53 passed, there will still be a profound level of checks and balances. I ask what? What checks and balances? Conditional use planning review? We've just seen an abysmal process. Citizen's commentary is only permitted after a vote then. Council review? You've heard valid resident's complaints for weeks and you've ignored them, because you want these legislations to pass. Enforcement of codes and ordinances? Residents post frequently on social media about the city's failure to enforce either. Our experience this past year confirmed that. There are no checks and balances to protect the residents once this legislation is passed. So, I urge you to send #52 and #53 back to planning for a proper review.

*Pete Mihalic, 5320 Willow Lane* says my complaint would be noise, because I put a significant investment into my backyard last year and have more plans being drawn up to add onto our house to increase the value and I feel like this food truck park is going to decrease the value. The noise from Pez's is ridiculous and nothing is ever done about it. I like to sit in my backyard, that's why I did what I did in my backyard and with a live band playing until midnight every night, I can't do that. I can't enjoy my property that I pay taxes on. My other concerns are it's a gravel parking lot and I know dust from the cars, that's dust pollution. Noise pollution from the bands and then storm water runoff, what happens to that? There is a creek right down our street that their storm water from the oils from the cars, the food vendors will directly go (inaudible). So, what is the plan for this? My submitted plan for my backyard, I had to prove to you it wasn't affecting anything or my neighbors. This was just somebody with a napkin that said oh, I want to do this and we are pushing it forward. There's no plans. They should have to prove that it's not going to affect the neighborhood, people around it, the environment.

*Cynthia Mihalic, 5320 Willow Lane* asks where is the review that was done to push this forward? I've been through the code, the planning code book that the city put together and it talks about an 8-point review. I understand that everything doesn't apply, but some do. At this point, by the way that I read this, legally what the city has set forward, we should have had a review. It should have been with planning when they pushed it forward. My question to council since they made this recommendation, where is the review? What was done? President Rosso replies planning is not a council committee. Mrs. Mihalic replies this was pushed through by council, this code text ordinance. President Rosso responds nothing has been pushed through yet. Mrs. Mihalic says 1105-02 it talks about if you go through it, it looks like there is a criteria for review that should have been done with planning

commission. I don't know who was supposed to provide that review. Was council supposed to give it to planning? From the way I read it, this review should have been done already. Law Director Grave replies the code sets forth a number of factors for the planning commission to consider when making their recommendation to council. Those factors are consolidated between a code text amendment and a map amendment when you are considering rezoning. Planning commission is supposed to consider those factors in making their recommendation to council. Planning has made their recommendation to council and now it is in council's hands. It has a first reading, there will be a public hearing where everyone can feel free to voice their opinion and then there will be a second and third reading where council can also consider those factors in determining whether or not to adopt the legislation. This legislation is just a text amendment. It is not in regard to any particular project, there has been no application. This merely creates a process. If this were to pass and someone were to make an application, a conditional use requires not one, but two public hearings. This was only a meeting of the planning commission for a text amendment. If you are applying for a conditional use, planning commission conducts a public hearing then they make their recommendation, then it comes to council who also conducts a public hearing before deciding to vote on a particular application. Mrs. Mihalic asks so you are confirming that planning should have done a review before they sent it forward? Law Director Graves replies I believe they did. Mrs. Mihalic asks how are we moving forward? Can it not go back to planning and be done properly? I was at the meeting and have the meeting minutes in front of me, there was no review. Law Director Graves responds I don't know what things they considered in their minds when they made their recommendation, but they did. It's just a recommendation. Mrs. Mihalic says I would urge you to look through this. Go ahead and vote on it and move forward and the process wasn't followed. President Rosso says the only thing on the agenda to vote on is to say they are allowed to apply. Mrs. Mihalic replies I get that. What I'm saying is if we look at these 8 points/criteria and go back to the minutes from planning, not one of those 8 criteria was talked about, not one. I strongly disagree with the process here and I think it should go back to planning and there should be a proper review of the criteria before you move forward.

**UNFINISHED BUSINESS:** Councilwoman Gee asks I was wondering if we could possibly go into executive session tonight to discuss compensation of a public employee? President Rosso replies we can. I recommend doing it after ordinances and resolutions and presentations.

**NEW BUSINESS:** Councilman Wtulich says I did meet with Mr. Mellott and Mr. Rinderknecht about their concerns with losing the trees, etc. The service director is working on getting a more formal answer.

### **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 #049- SECOND READING-** AN ORDINANCE AMENDING SECTION 969.06 OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE REGARDING RENTAL RATES FOR THE JOYCE HANKS COMMUNITY CIVIC CENTER AND THE DECLARING OF AN EMERGENCY.

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

Councilman DeBottis asks have we ever done an ROI on the civic center? Service Director Hastings replies that's a difficult comparable. It's very unique in being a public building as well as having kitchen facilities. We have looked at that and used some of that to determine our contributions towards the Office on Aging. I guess I would ask for more detail. Are you getting to the fact of how the rates were determined? Councilman DeBottis responds at one of the meetings they were discussing rates and I guess it was an educated guess on what we should raise these rates to. Any building ever built, there is always a study done on the rate of return. What are our citizens paying for? Are we in the red every year, do we need to maybe raise those rates more to help with that? I've just never seen anything from the community center that says here is how we operate, here is our profit, here is our losses, etc. I'm all for raising the rates. I would like to do that in a more educated setting. My opinion is those numbers should be put together at least once a year. President Rosso says over the course of time, things have gotten blurred with the civic center. That is a community civic center that was built for recreation of the residents and for children at the time to have a place to go. It has somehow morphed into more a rental facility. If we didn't rent it out, our cost would stay the same because it's a city building dedicated to recreation for the people of Sheffield Lake. It was never considered a money maker or investment. These rentals are subsidizing the maintenance to the building of which the city would just eat 100% of. It has grown more into a hall that is rented, but it's not the intent to do it as a money maker. Councilman DeBottis replies I think that if we weren't renting it out and doing other things, I could logically understand that. Since we have been and we are making money, I would just like some type of ROI to see exactly how we operate. I think it's fair to the citizens of the city who are paying the taxes to keep the building maintained. Law Director Graves states it is my understanding that the community center manager and the board of trustees did compare this to a number of other facilities when they made their recommendation. There was a review amongst the trustees. Councilman DeBottis replies those operate under a different ROI. I just want to know where we are at. Service Director Hastings replies the building has always been run with support of the general fund. The rates have never been designed for the rentals to pay for the operation of the building. All things considered, we did return on investments when we figured out the comparison to the City of Sheffield Lake, the Village of Sheffield, Avon and Avon Lake, because we had in kind value with the Office on Aging being there. Studies have been done on the value of rentals and the basics of supply and demand.

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

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

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

***Ordinance #47-24***

**COUNCIL #052- FIRST READING-** AN ORDINANCE AMENDING SECTION 1111.02(c)(4)(C) AND ESTABLISHING SECTION 1111.02(c)(4)(F) OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE REGARDING FOOD TRUCKS AND THE DECLARING OF AN EMERGENCY.

**COUNCIL #053- FIRST READING-** AN ORDINANCE AMENDING TABLE 1107-3 OF SECTION 1107.04 AND SECTION 1131.02 OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE REGARDING COMMERCIAL RECREATIONAL FACILITIES (OUTDOORS) AND THE DECLARING OF AN EMERGENCY.

Councilman DeBottis asks the way this is being written; would Airbnb's qualify for conditional use? Law Director Graves replies no, this has nothing to do with Airbnb's.

**COUNCIL #054- FIRST READING-** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF FINANCE TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE OHIO AUDITOR OF STATE AND ZUPKA & ASSOCIATES FOR INDEPENDENT AUDITING SERVICES AND THE DECLARING OF AN EMERGENCY.

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

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

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

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

***Ordinance Passes #48-24***

**COUNCIL #055- FIRST READING-** A RESOLUTION AUTHORIZING THE CITY OF SHEFFIELD LAKE TO ACCEPT AND APPROVE THE DONATION OF FUNDS FROM THE COMMUNITY CIVIC COUNCIL OF SHEFFIELD LAKE INCORPORATED AND THE DECLARING OF AN EMERGENCY.

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

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

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

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

***Resolution Passes #49-24***

**COUNCIL #056- FIRST READING-** AN ORDINANCE REPEALING ORDINANCE NUMBERS 69-21 AND 70-21 IN THEIR ENTIRETY AND ESTABLISHING THE RATE OF PAY FOR THE POSITIONS OF ELECTRICAL INSPECTOR AND ALL BACK-UP POSITIONS REQUIRED BY THE OHIO BOARD OF BUILDING STANDARDS AND THE DECLARING OF AN EMREGENCY.

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

Councilman DeBottis asks our new building inspector, was he going to get these licenses? Law Director Graves replies not the electrical. He has Chief Building Official, Commercial Inspector, everything and should have his interim plumbing any day now.

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

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

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

***Resolution Passes #50-24***

**PRESENTATIONS:** Mayor Radeff submits Terrence Mozola for the position of Electrical Inspector. \*Motion by Gee/Second by Kovach to approve the appointment. ROLL CALL: Stark, Gee, Wtulich, Kovach, Petrucci, DeBottis, Cizl. Yeas All.

\*Motion by Gee/Second by Cizl to go INTO EXECUTIVE SESSION to discuss the COMPENSATION OF A PUBLIC EMPLOYEE.

ROLL CALL FOR EXECUTIVE SESSION: Kovach, Cizl, Gee, Stark, Wtulich, DeBottis, Petrucci. Yeas All.

\*Motion by Kovach/Second by Gee to RETURN TO REGULAR SESSION.

ROLL CALL FOR REGULAR SESSION: Kovach, Cizl, Gee, Stark, Wtulich, DeBottis, Petrucci. Yeas All

Law Director Graves states let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of the compensation of a public employee pursuant to the Sunshine Laws.

**COUNCIL PRESIDENT:** None.

**MEETING ADJOURNED:** With no further business before this council, \*Motion by Kovach/Second by Wtulich to adjourn at 8:25 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 November 12, 2024.

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COUNCIL PRESIDENT

*Rick Rosso*

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MAYOR

*Rocky Radeff*