

**FAIRPORT HARBOR VILLAGE COUNCIL
REGULAR COUNCIL MEETING
August 16, 2022**

The Mayor called the 16 August 2022 Regular Council meeting to order.

Pledge of Allegiance to the flag of the United States.

Answering Roll call were Christina Bacnik, Frank Sarosy, Anthony Bertone, Elizabeth Shaver, Jeff McKinney and Jerry Hites.

A motion to excuse Chief Lloyd from the meeting was made by Frank Sarosy, seconded by Jeff McKinney. All present voted aye. Motion passed.

A motion to approve the minutes from the July 19, 2022 Regular Council meeting and also the minutes from the July 19, 2022 Finance/Committee of the Whole meeting was made by Christina Bacnik, seconded by Jeff McKinney. Jerry Hites abstained. All others voted aye. Motion passed.

CORRESPONDENCE:

From the Village Solicitor: Jim Lyons

Mr. Lyons said he just had one comment. There was a question asked about in our ordinances having a backup connection to the water department's secondary connection and I thought to add to the answer that Rich gave that we do under our current system have a secondary connection and that is through the City of Painesville. So we are following the ordinances on that. I think that his answer was talking about the future secondary connection in terms of St. Clair St.

From Mayor Timothy S. Manross:

The Mayor said he was going to read an after action report from Chief Lloyd. I know many of you are probably here because of the spill that happened in Painesville Township that has affected the Grand River and we have a boom that's skimming off the vegetable oil spill. So this is a memo from Chief Lloyd.

Just to follow up with a quick after action report from the incident on Saturday, August 13, 2022 at 18:34 hours. Fairport Harbor Fire Department was notified of a substance in the Grand River. Fairport Harbor Fire Department conferred with Painesville Township Fire Department and it was determined that the spill originated in Painesville Township. Chief Huffman, the Painesville Township Fire Chief, was the original incident commander and the Lake County Hazard Intervention Team was requested. The HIT is comprised of firefighters from Lake County and the Lubrizol Corporation and it was determined to place a boom across the river at the St. Clair St. bridge and Grand River Landing Metropark. Fairport Harbor firefighters used one of our boats to pull almost 300 ft. of boom across the river. The Fairport Harbor Fire Department also were able to attach lights to the boom for overnight hours. Fairport Harbor Fire Department cleared the scene around midnight. Fairport Harbor Fire Department returned to the scene at

0800 hours the next morning and Chief Lloyd was the incident commander. Our operations included the transporting of Ohio EPA, the Health Department, and the Coast Guard Marine Safety Unit up river for further investigation and resecurring the boom. He estimates our firefighters made five trips or more. Fairport Harbor Fire Department cleared the scene at around 1300 hours. Fairport Harbor Fire Department and the Painesville Township Fire Department have kept in contact with various officials and the clean-up company throughout the incident. When people see our water rescue equipment it is mainly thought for use in rescue and flood evacuations. This assistance shows we are also dedicated to protecting the environmental property. The decision to place this boom prevented the substance from getting into nearly 1000 boat slips up river both in Fairport Harbor and Grand River. If you have any further questions please contact Chief Lloyd.

The Mayor said he would just like to thank them for their quick action. It does seem like it has been contained at this point. I don't really have a lot of details outside of what's been released to the press on Monday, I mean Sunday and then what I have read here. It did happen in Painesville Township. I'm sure Ohio EPA is all over this. They have every mechanism at their disposal to make sure the clean-up is complete and I'm sure there will be all kinds of follow up actions that we will all read about.

From the Village Administrator, Amy Cossick:

I have been asked to participate in a panel discussion regarding Lakefront Development in Lake County due to Fairport's focus on developing the lakefront. This event will take place on August 26, from 11:30 a.m. to 1:00 p.m., at Mentor Beach Park. The other panelists include Patrick Mohoric from the Lake Development Authority, Jason Boyd, Lake County Administrator, Kelly Conrad, City of Mentor and Rich Regovich, Mayor of Willowick.

On August 8, the Mayor and our Administrative team met to discuss a number of zoning initiatives. At present we are drafting language for Airbnb's in conjunction with the final outcome of House Bill No. 563 as it pertains to regulations for short-term rental property. In addition, we have a plan in place for property maintenance violations and we will be working our way through the Village quadrant by quadrant. We are also working on language as it pertains to Outdoor Dining and demolition of structures. All of this information will be submitted to the Planning Commission for review and then they will provide their recommendations to Council.

Jim Lyons has reviewed the By-Law changes provided by the Fairport Harbor Senior Center (a copy of the By-Laws is included in your packet) and he is okay with all of the changes except Article III, 2. His revisions to Article III, 2 include the following changes in **bold**.

All policy decisions shall be made by the Senior Advisory Board with the approval of the Council of the Village of Fairport Harbor. All operational decisions shall be made by the Village Administrator and/or the Senior Center Director. The Senior Advisory Board may make recommendations to Village Council for operational decisions. The Senior Citizen Director shall have the right to enter into contracts of up to \$1,000.00 without the approval of Village Council. The Senior Citizen Advisory Board shall have the right to authorize the Senior Citizen Director to enter into contracts of up to \$2,000.00 without the approval of Village Council. **Any such**

contract authorized by this Section shall be in the name of the Fairport Harbor Senior Citizens Center, Inc. and shall be paid with funds that are the private funds of the Fairport Harbor Senior Citizens Center, Inc. No alterations or additions to the Senior Citizens Building in excess of \$2,000.00 shall be made without the prior written consent of the Village Council.

The VFW and the Village of Fairport Harbor are working with CT Consultants on plans for a new memorial in the park. Renderings and cost estimates are still being determined. I will keep you posted as we move forward.

The third annual Village Fest will take place on Saturday, September 3, from Noon to 5:00 p.m. in downtown Fairport. This will be a family friendly festival with activities, entertainment, food and shopping on Third Street, and on High Street, from Fourth to Second Street. A Patriotic Golf Cart Parade will take place from 11:00 a.m. to Noon prior to Village Fest. Visit Fairportharbor.org for additional details.

From the Village Engineer, Clyde Hadden:

As we heard earlier today, we are continuing with our plan for the bulk water projects and Thursday is the integrating committee for the OPWC and we will see how our Chestnut St. project fairs in that ranking.

From the Fiscal Officer, Christine Page:

In the month of July we collected \$474,482.67. Our expenditures for the month were \$286,297.82. Our reconciled cash balance is \$3,375,341.41. Council has completely received the entire package and the only other thing I would note is that we took in over \$4,100 in interest on our money last month.

OLD BUSINESS:

The Mayor wanted to bring to Council's attention that on the agreement under General A, the last sentence is going to be changed to read, "The outside rate for the Village of Fairport Harbor shall be \$.50 higher than the inside city rate." What is in your packet says, "The outside rate for the Village shall be not less than a minimum of \$.50 higher than the inside city rate." I believe Painesville was agreeable to that change or wanted that change to say the outside rate for the Village shall be \$.50 higher than the inside city rate. Mr. Bertone made a motion to make the change as read. This was seconded by Mr. Sarosy. All present voted aye. Motion passed.

RESOLUTION 2022-053 2nd Read

RESOLUTION AUTHORIZING THE MAYOR AND THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF PAINESVILLE TO SUPPLY PORTABLE BULK WATER TO THE VILLAGE AND DECLARING AN EMERGENCY.

SAFETY COMMITTEE:

Mr. Sarosy said he just wanted to follow up on the Mayor's comment about Chief Lloyd and our Fire Department. They did a great job and I have been in touch with Chief Koran and I want to thank him for being an active Police Chief. He's been out while we were missing a couple of people and it's good to see our Chief out on the road and doing a great job. Everything else is in the report.

Chief Koran said he appreciates that and when he took the position it was with the understanding he would be a working Chief.

LEGISLATION:

ORDINANCE 2022-060

A RESOLUTION TO PAY THE BILLS. A motion to suspend was made by Christina Bacnik, seconded by Frank Sarosy. All present voted aye. Motion passed. A motion to adopt was made by Christina Bacnik, seconded by Frank Sarosy. All present voted aye. Motion carried.

ORDINANCE 2022-056

AN ORDINANCE BY THE COUNCIL OF THE VILLAGE OF FAIRPORT HARBOR, LAKE COUNTY, OHIO, TO LEVY ASSESSMENTS FOR THE IMPROVEMENT OF VARIOUS STREETS IN THE VILLAGE BY SUPPLYING SAID STREETS WITH ELECTRIC STREET LIGHTING AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Anthony Bertone, seconded by Christina Bacnik. All present voted aye. Motion passed. A motion to adopt was made by Anthony Bertone, seconded by Christina Bacnik. All present voted aye. Motion carried.

ORDINANCE 2202-057

The Mayor said he just wanted to state that he and Amy had their annual review and his recommendation to Council was a 2.6% increase in Amy's pay. As I've said many times, I couldn't be happier having Amy sitting at my left. She does a wonderful job for us and will continue to. I'm very grateful that Amy still considers us a place for her.

AN ORDINANCE CONFIRMING THE EMPLOYMENT OF AMY COSSICK AS VILLAGE ADMINISTRATOR, ESTABLISHING HER COMPENSATION AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Frank Sarosy, seconded by Jerry Hites. All present voted aye. Motion passed. A motion to adopt was made by Frank Sarosy, seconded by Jerry Hites. All present voted aye. Motion carried.

RESOLUTION 2022-058

A RESOLUTION TO PLACE DELINQUENT ACCOUNTS UPON THE TAX LIST OF THE VILLAGE OF FAIRPORT HARBOR FOR COLLECTION, AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Frank Sarosy, seconded by Christina Bacnik. All present voted aye. Motion passed. A motion to adopt was made by Frank Sarosy, seconded by Christina Bacnik. All present voted aye. Motion carried.

RESOLUTION 2022-059

A RESOLUTION APPOINTING RON TERRIACCO AS A FIREFIGHTER FOR THE VILLAGE OF FAIRPORT HARBOR, OHIO AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Jeff McKinney, seconded by Christina Bacnik. All present voted aye. Motion passed. A motion to adopt was made by Jeff McKinney, seconded by Christina Bacnik. All present voted aye. Motion carried.

RESOLUTION 2022-061

The Mayor said this is for the Police Department's line item, Uniforms decreased by \$1372.72. Operating supplies increased by \$650 and training services increased by \$1000.

A RESOLUTION TO AMEND PERMANENT APPROPRIATIONS, AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Anthony Bertone, seconded by Elisabeth Shaver. All present voted aye. Motion passed. A motion to adopt was made by Anthony Bertone, seconded by Elisabeth Shaver. All present voted aye. Motion carried.

MISCELLANEOUS

Mr. Bertone said he had three items to bring up. One, cone legislation for vehicles that are not working after hours. We discussed this a few meetings back, where people who drive utility vehicles and then place cones out in the street. We are starting to see that everywhere so I'd like to make a motion to have the administration put forth legislation to ban those cones when those trucks aren't working, cable trucks, things like that. I would need a second though. Christina Bacnik seconded the motion. All present voted aye. Motion passed.

Mr. Bertone said the other is just a question about Harvey's, the property that was formerly the Harvey's location. I know they do sales there. Did they go through Planning Commission to set that site up to have vehicle sales, boat sales and those sort of items.

The Administrator asked Mr. Bertone if he was talking about the boat that was out front of his property.

Mr. Bertone said yes.

The Administrator said she will check into that.

Mr. Bertone went on to say if they haven't and because we have enforced that at other locations we need to be consistent. So if that's going to be a point of sales then they should go through the proper channels to do that. I know it's a commercial site.

The Administrator said absolutely and she will check into it.

Mr. Bertone said the last is just a follow up report. Last Council meeting we talked about zoning with respect to the big hole next to the Creamery. So what has been the resolution of that?

The Administrator said so the homeowners have been contacted, they were told that if they were not going to start the building process that they would have to fill in the basement that they were reserving. They did fill in the swimming pool. They have since contacted the County to get their sewer permits to start building. We are supposed to have a follow up again with them at some point this week to see if they were able to get their sewer permits so they could start building.

Their intent was to start building the house this year. I'm actually going to follow up with the building department to see if any of the permits have been pulled.

Mr. Bertone said he would like this to be part of every Council meeting going forward because the last meeting and several meetings before that, and not to your fault, I am not blaming you, the responsibility lies with the homeowner, but I feel like we are being led down a path. At the last meeting we were told that there was a date in August and I don't know if we have crossed that date in August.

The Administrator said we have not yet.

Mr. Bertone then said we have not yet, ok, and as soon as we do I know there are noxious weeds there and noxious weeds are a violation of our ordinances and we need to site them for any violation of our ordinances. There is precedence for this type of thing and we need to take care of this problem. Someday, hopefully not, but something tragic is going to happen there because that hole is not filled and we can't accept that, so please.

OPEN TO THE PUBLIC:

Brad Segro, 658 Second Street, wanted to thank everybody for all of the hard work they have been doing. He had 3 things he wanted to address. One is working backwards from what Mr. Bertone just said. Since the last meeting the big hole next to the creamery, since the last meeting, for the last month, there's been no fence on at least one if not two of the sides. So it's like having a fence around two sides of a swimming pool. I think that is horrible because there is no fence at all on the driveway side of the big hole and it's been like that for at least the last month, since the last meeting.

Secondly, totally changing topics to the discharge point on the Grand River for the Hardy Industries. I went down to the discharge point I think yesterday or the day before and I was down there about three months ago. This is where the actual sewer line comes out of Hardy Industries. They have a permit for discharge into the river but the brick structure that's around that pipe and I'm sure the EPA is looking into this, was not fractured or falling apart three months ago. It is cracked in half and they haven't had any vehicles back there because it's sort of a walking path, you can barely bring an ATV back into there. I know it's Painesville's property but it barely touches Painesville, the river from there to Fairport and the Grand River. We need to keep an eye on that pipe and structure being sound, especially once we get our ice jams in the wintertime.

The third thing is on the water tower project I saw your presentation on some possible things looking like a peach and what not. I think that it is a great idea as Mr. Bertone said to put some kind of graphic on the tower to make Fairport recognizable, flamboyant, whether it's a lighthouse or something about the lake. An excellent example, if you haven't seen them before, if you go down Fairport Nursery Road just north of the Painesville Township Fire Department that's there, the new one, there are some large tanks that Avery Dennison has and they have 3D graphics with awesome sea turtles and some really cool graphics. With Avery being a great local company, they might be able to do something for us but putting some type of wrap on the tower making it look exceptional as you're driving into the town, I think that would be a great idea.

Mr. Bertone said CT has already told us it's going to be the best looking water tower ever. I think that was in the meeting minutes.

Karen Bidlak, 635 Eagle Street, at the last Council meeting you mentioned something about the railroad crossing on High Street and it being repaired. Has the railroad company been contacted about getting that taken care of? The Mayor said we passed legislation to ask them to come and help fix High Street. Amy said we are sending that legislation out to different authorities to help us get that repaired. We have not heard anything back on that as of yet but we do have that legislation that we are sending out to folks to help lower High St. tracks fixed. Ms. Bidlack said are you getting any responses from them. The Administrator asked from the railroads themselves? Ms. Bidlack said yes, are they responsible for it. The Administrator said they are responsible for the repairs yes. Ms. Bidlack said and they are not responding. Ms. Cossick said no, not as of yet no. Ms. Bidlack said Certified letter. Mr. Bertone said send it to the Congressmen.

Brian Toivonen, 612 Third St. said right across from the Slovenien Club and right there is my problem. I've been there for fifty years and the Slovenien Club noise is totally out of hand. Last year I approached them and I questioned the guy and he said I'll talk to the board and I heard nothing back from them. So this year it's getting worse, five or six nights a week. If I hurt anybody's feelings, that's how it's going to have to be. I'll be damned if I'm going to live there for fifty years and have a bunch of drunks yahoos out in the courtyard that shouldn't be there and ruin the whole neighborhood. There's no buffer zone, there is no nothing. That noise from them just yelling and screaming like a bunch of little ten year old girls, five or six nights a week is just totally uncalled for and we are letting them build more outdoor facilities, right next to houses. So I'm asking Council to come up with some way to nullify that. My answer to that is to completely shut down the outdoor area. I don't know how it's even there. When I moved there fifty years ago there was a house and a bar, then they put in a parking lot, the whole yards a parking lot. Then they added the outdoor recreation facility. From what I can understand, unless there are some special arrangements made a C1 has to have indoor facilities. So unless there were some special arrangements made in the past and we let them do it anything like that is supposed to be indoor and enclosed and this year it's totally uncalled for. Just all the yelling and screaming, they're adults. But you put fifteen guys with women out there and you feed them beer or whatever they are drinking. It's out of hand. It's ruining the whole neighborhood. The Mayor asked the Police Chief if he has had any complaints because he lives in the area. The Police Chief said he has heard some rumbling in the community about it. I believe there was a new outside game that was put in there that has increased the noise level and of course there is music with it as well. The Mayor said so what is the ordinance then, would it be, I mean we have a noise ordinance that we could certainly enforce. The Police Chief said as far as where the property is zoned I'll have to check and see what exactly we are looking at with that. I believe I'll get with Dave on that as well to see exactly what was arranged with them at the time because my understanding is some of this stuff was delayed that they were going to be doing at the club. It might have been a while ago and now we are just now seeing the fruits of that. Mr. Toivonen said but it never has been as bad as the last year and a half. It's totally uncalled for. I don't know what else to do. I'm not going to let it go whether I get help from you guys or not. Close the thing, enclose the thing completely, I don't care just so I can sit on my porch and not listen to a bunch of guys screaming "Rock the House Baby, Hey way to go, nice job." That's uncalled for.

Carla Riboczi, 501 New Fourth St said back on August 3rd I had sent out an email to the Mayor, Amy and the Streets and Sidewalk Commission and this was concerning Ordinance 1317.2.01

about sales of homes and from what I can tell there has been over 43 homes sold this year alone and probably more because some are being sold within the family. But there is an ordinance that the inspections need to be made of the sidewalks, aprons and downspouts, splashblocks and just going over the sold homes and walking around the neighborhood and seeing nothing being done in a lot of the homes that have been sold. That's my issue. Is that what you were talking about Amy on violations. The Administrator said I actually sent you an email this afternoon which answers all of your questions and you can read that at your leisure and then if you have any questions let me know, but I kind of explained POS inspections vs. Rental inspections and what we do for POS inspections and how many we have done this year. So we have actually done 61 POS inspections already in 2022 and it's completed by our Service Department. We do the sidewalks, driveway aprons and downspouts and I explained in this email for you the POS inspection itself is \$20.00 and then that other fee you had listed in there for \$100.00, that's for rental inspections. So there are two different things there. But I broke it all down and I reviewed some of the properties you sent me as well so take a peek at that then let me know if you have any questions or you need additional information I can get for you, Carla asked how long do these people have to make these repairs and it's supposed to be done during escrow. The Administrator went on to say well what happens is the buyer or the seller, whichever one is assuming responsibility for the repairs will place the money in escrow. So it cannot be sold until they clear that. Once repairs are made, we notify the title agency to release funds and that it's good to go. Those properties that you forwarded to me are actually in escrow. So they are still waiting to be repaired.

Brian Toivonen said I forgot to address the cone issue. That's mandated by the companies so little kids don't get ran over anytime you park those vehicles. That makes the drivers go in the front of the vehicle, pick up the cone and see everything is clear, then go to the back, pick up the cone and see everything is clear. So that's just a safety thing. Mr. Bertone said so it's after hours so the safety issue that I see with it is they don't necessarily put it in front of the vehicle or behind they put it out on the street so cars are swinging around it because the lane isn't big enough and there getting into the other lane at night. Mr. Toivonen said well that's what it's for and it's mandated. If they were to back over a kid... Mr. Bertone said but during work hours. Mr. Toivonen said well anytime, anytime you park that truck you are supposed to chalk the wheels and put the cones in the front and the back. It's strickly a safety measure. Just have them move it off the street. Mr. Bertone said we would like to have that happen. But imagine if every car in the Village or every truck in the Village did that, you couldn't drive down some of these streets. Mr. Toivonen said yes but I would think the cones would be less of an issue than a kid getting run over because oh Fairport wouldn't let me put out cones. Mr. Bertone said you have a responsibility as a driver to do those things. I do understand what you are saying, but it's also, I've seen on the one I look at every night on Second St. very close to the stop sign there is the cars swing way out into the other lane and I've seen near misses several times.

Mr. Segro said just cause it's a safety issue and it's been like this for probably ten or 15 years, but can I at least mention the stretch of Second St. between High St. and Water St. which is one way right in front of our lighthouse. There's no one way signs on Water Street. I've seen hundreds if not thousands of cars pull up, going the wrong way until they are going the wrong way. We have one way signs at the top of the hill and none at the bottom of the hill and the only way to go the wrong way at the top of the hill is if you get in your car and go backwards down

the hill. It would cost us zero dollars to just take those two signs and put them on the bottom of the hill plus half of the do not enter signs have been blown over to a 45 degree angle over the last ten or fifteen years. But those one way signs should be on the other side. The Mayor said we will look into it.

A Motion to adjourn the meeting was made by Frank Sarosy, seconded by Jerry Hites. All in attendance voted ayes. Motion passed.

FISCAL OFFICER

MAYOR

IN ATTENDANCE:

Dave Harvey
Guy Brown
Shane Scott

Carla Riboczi
Ellen Brown
Anna Coll

Greg Major
Beth Gregerson