

**Buildings, Lands, Vehicles and Equipment
Committee meeting
Sheffield Lake, Ohio
June 2, 2016**

This regular meeting of the Buildings, Lands, Vehicles and Equipment Committee was held Thursday, June 2, 2016. Chairman Erdei called the meeting to order at 7:04 PM.

ROLL CALL OF MEMBERS:

Present: Erdei, Kovach
Absent: Gee (excused)
Attending: Mayor Bring, Law Director Graves

MINUTES: May 5, 2016 - *Motion by Kovach/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

- A) *Shoreway Shopping Center* – Mayor Bring advised Caesar’s Pizza is gearing up to getting things started over there. Dollar Tree moved in and they have a little bit of a mess in the back and we are going to talk to them about that. There is some rubbish and stuff blowing around that they threw out. We are still working on that and I think that is all we have for Shoreway right now. Chairman Erdei asked anything on the bowling alley? Mayor Bring answered nothing yet.
- B) *General Maintenance* – Mayor Bring advised everything has been going pretty good. We did get that grant for the addition for the Fire Station. We are going to receive \$85,000.00, it is a little bit more than that. So we will probably come to you and approach you with exactly what has to be done. But that was very good news and we also did get the recycling grant for \$11,000 something and we are going to purchase the leaf box for one of the trucks and a couple of other small items including some more benches. So that was good also. We have got the truck estimate there, that is a different gear for the rear-end of that. The original ones would have had to come out of a junkyard and putting those back in would have been \$15,000.00 total with repair of the engine and everything. This is a generic one that he said that they could use, it is not the same gear ratio but it would save money. So there is the estimate for what that truck repair was. We did have one of the other F350 plow trucks that went down the other day and they blew the seals out of the rim of that.

Steve would know that on the 5.7 liter engines the spark plugs get stuck in there and Ford made a special tool for that but even when you lubricate those and then try to take them out you usually break about half of them and unfortunately they broke it more than one time so they have to take the heads off to get those spark plugs out of there. I know there is some kind of class action lawsuit going on with that stuff but I am sure we are never going to see another dime of that money. We took a PO out for I think \$700.00 and I think now we are up to like \$3500.00. It is just part of doing business and there is nothing you can do about that, it is nothing that we have done. So that was getting fixed. The little mini excavator, there is hydraulic hoses that wrap around that and one of those broke and to repair that you have to take the cab off and the floor off. We called John Deere and talked to the mechanic who works on those who started laughing because of how much trouble they are to work on. We took the cab off and took the floor out and we are going to fix all the hoses, everything is in one spot and it is pretty amazing. He is probably not going to have it back together until Wednesday so if anyone wants to see that, it is amazing how much stuff they have going to one spot. So he is going to go over everything that he can since he has got the cab off and the floor out but nothing is 100% but we are going to try to fix and repair and put in whatever needs to be before we put it all back together. The big Komatsu excavator the starter went out in that and that is the third time and that starter is very expensive. It actually started on fire, there was a short in it and that was \$700 and some dollars. Chairman Erdei asked that excavator over there on Lake Road down by the creek. Mayor Bring answered that has nothing to do with this. Chairman Erdei stated a couple of people asked me and I said I don't think that is our equipment. Mayor Bring answered that is Concrete and More and they are doing some work on the lake bank and they are using that area as a staging area where they are dropping off armor stone there. This gentleman owns the 2 houses in the front and he is having lake bank work on another house, so he is using that. We have gone over a couple of times but basically just to direct traffic for them a little bit. They dropped a rock in the ravine the other day and everybody was saying that we were down there in the ravine repairing it and putting rocks in and none of that was true. That was nothing to do with it but we did talk to them and told them that when it came time for the traffic and stuff that they had to be a little bit more careful and should have asked us for a little bit of help there. I cannot tell you how many phone calls I have had. Chairman Erdei asked on that gear, is there any kind of warranty on that or is that like a 50/50 toss up? Mayor Bring answered they will give you a warrant for like 90 days. Chairman Erdei asked they have used them and they seem to work out okay? Mayor Bring answered it is not specifically made for that truck because that kind of truck is much more heavy duty but that saves quite a bit of money, it saves \$5000.00. Besides that you

are going to a junk yard and hoping that what you are purchasing isn't all worn out. Chairman Erdei asked anything new on the Police Station; the front steps? Mayor Bring answered no but we are going to fix that but I haven't even got an estimate on that yet.

C) ***Joyce E Hanks Civic Center*** – Chairman Erdei asked you were talking about a pine tree for the Civic Center, have you located anything? Mayor Bring answered we did, it is a couple of thousand dollars but that was them planting it and everything, that was a 12-foot pine tree. I was out looking the other day and I found some at about 10-foot for \$495.00 but then we would have to pick it up and load it and then plant it. But that is still an option too so we will see but the ball that is on those things is huge and then you need that mini excavator and we can't do anything. I keep looking but we are probably going to do something before it gets real warm out because if it gets too hot and you put that tree in there you are going to have to constantly water it and I don't want it dying out. Mayor Bring advised we are probably going to have an outside contractor do the pavilion in Gary Green Park, we laid it out and we talked about that. We have a lot of projects going on and there is money in that account for that and what we probably won't do this year would be to do that cover over top of that walkway which I anticipated doing. But this way this thing would get built. The union was okay with that, they were the ones that suggested it just because of everything that is going on. We haven't given the guy the PO for that contract but we did get an estimate the other day from someone locally that lives in the city and they are a contractor and are registered. Chairman Erdei asked we have everything for that too? Mayor Bring concurred everything is sitting there. Our guys laid it out today with a string and we are going to go over there and dig that out and put some 57 limestone in and then let those guys go over and dig the holes and then pour the concrete after the pole arms are already up. We may pour the concrete this year or we may not, we will see.

NEW BUSINESS: *Dennis and Betty Horvath, 500 Cove Beach request to vacate city property on Madison Avenue.* Chairman Erdei advised it has already been in front of the Planning Commission and was approved. Mr. Dennis Horvath stated we live at 500 Cove Beach Avenue and we are trying to get the Madison Avenue property just so we can take care of it and make it look a lot nicer than what it is right now. As a matter of fact, we already started taking care of it and if we don't get the property then it is just my loss. We don't care, we would just like it to look nice but we would appreciate it if that property was turned over to us. I have bought dirt, trees, bushes just come over there and take a look and you will see it. Law Director Graves asked have you spoken with the property owner that owns the property behind to the west, Wisnieski owns the property behind so have you talked to him at all. Mr. Dennis Horvath stated not about that property because I didn't think it

was to be quite honestly any of his business. Law Director Graves stated he abuts it, in other words the right of way is on either side of Cove Beach so you and Mr. Crabtree on the other side would get what is vacated would revert to you as abutting property owners but he owns the property at the dead end, behind it. You haven't spoken to him at all. Mr. Horvath answered no not about this property. Law Director Graves stated I will be honest I think there was several years ago, there was an issue with that right of way when Mr. Oprean owned your property and he was building flower boxes or doing something in that right of way and I think Mr. Wisnieski objected because if I recall correctly he lives a couple of houses down but also owns that lot and he uses that access to mow is what he stated to the city at that time. That he has a riding mower and uses that to access his property behind to cut that. I am just saying have you spoken to him at all? Mr. Horvath answered I have spoken to him but if you have ever been over there, he doesn't come through that property to mow that land. He has not mowed Madison Avenue, we have been doing it since we have been there. Law Director Graves stated but for him to get in the back? Mr. Horvath stated for him to get in the back of there, he has never come through there, he goes right through his garage and right out his backyard. As a matter of fact, I have been mowing his property too. So what does he want that for? If a tree would fall, he just lets them fall and if he had to get a big truck in there. I looked at his property from the side of the house, so he wanted to get a big truck in there a ½ ton or whatever through there, he can get it in right through beside of his house. He would have to move his flower bed or whatever was going through there and I don't know if it was the previous owners or if it was Bill but they would leave big ruts from where it was really wet. They would go in there when that ground was really wet and it was 2-foot deep truck tires and we filled those ruts in. Law Director Graves stated I would advise if we are operating under the code section that that requires this to be upon petition of property owner, it would require at least the communication with all abutting property owners. So I would recommend that you approach him and I know you have the consent from Mr. Crabtree but I would approach Mr. Wisnieski as well. Mr. Horvath stated how can I put this, he is a pretty stubborn guy and it is hard to deal with him because I offered to buy that property back there and I have owned property before when I lived in Bay. I had a piece of land there and I had a piece of land in Medina and I sold all of my property at a loss and he thinks he has a big fortune back there but I don't think he can do anything with that property back there. Mrs. Horvath stated it is land locked. Mayor Bring concurred his is, yes. Mr. Horvath stated he can't do nothing with that property, he had a tree there and I just put a new roof on my house and said to him you have a dead tree there, could you have it cut down or I will have it cut down? So he bickered and he waited and finally the tree fell down. Well guess what, that tree is still laying there and I do have pictures of it. Law Director Graves asked if the city vacated the right of way, would he have any access to that property? Mr. Horvath answered sure it is right beside his house. Law Director Graves asked so he can access that through

his other property, in other words he can come through Cove Beach across his own property and go right up to the back property and he doesn't need another access? Mr. Horvath answered no. He can go right beside of his house but he knows if he puts some heavy equipment on there to even take a pickup truck on that property and say you want to cut down trees and you load that bed up, you are going to be leaving some big ruts. They are going to stay there because it was proved how we fixed those ruts back that were in that ground. So everybody says he did it, he did it – so you don't know and we weren't there. Law Director Graves stated we can't intentionally land-lock someone's property. So in other words if that city right of way was the only way he was accessing his property then he would be entitled to an easement by necessity, he has the right to access his property even if it is over other property. So if you are telling me that he can access that from his own property then that is a non-issue. Mrs. Betty Horvath stated I just want to address the issue of him having an easement to the back of his property. Yesterday he approached me and asked me if I would be interested in buying the property behind us. Also behind 3 other homes next door to us because his property butts up to 4 other homes on Cove Beach. So I said to him that my husband and I would be interested in buying just the property behind us and the gentleman on the other side of us would be interested in buying the property behind him. He said well that wouldn't do me any good because what would I do with the rest of it and I said well, I would be willing to give you an easement on our property and so would Larry the gentleman next door to get to the property of the other 2 homes at the other end of the street. He said no that wouldn't do me any good, the property behind our home there is an area that is probably about maybe 20-feet that is behind our property that we have been keeping cut nicely and behind that is all trees and it is all a swamp back there and it is really, really bad. But we even cut that area but when he cuts his area, he cuts behind his house, behind Crabtree and he doesn't come anywhere behind our home. But I did offer him the easement and I told him that he could go over there the same way you get here on our property. From your home, you could go straight down and we would give you how many feet you would need for an easement. He said no I am not interested in that because I don't go down there and take care of that property anyway. My point is that right now, that is the way he cuts the property is from his backyard all the way down behind our house if he needs to and he has never, ever come between that area or between Crabtree and our home. The one year that we have been there he has never used that at all to get behind our home or behind the gentleman beside us, the only house he goes behind is Crabtree and that is because it is nicely cut and everything and he needs to cut that but behind our houses is nothing but flood and trees that he does not take care of. We would be willing to give him an easement if we got the property but he doesn't need an easement to get back there as it is now because he can get back there from his own property. Chairman Erdei asked what would you recommend that we do as a committee here? Law Director Graves advised this is just an intermittent step, it is another level of review. It is just you are

recommending onto Council as a whole for their ultimate consideration but I think that the code requires and we are basing this on a vacation by petition is what they are doing and I think that the petition should include the names of all the abutting property owners so I think that Mr. Wisnieski needs to be included in that. If he declines, then just indicate that he is not in favor of this. If he does support it, he would not stand to inherit any property or recover any of this property, it is just on the north and south; you and Crabtree. But I think that he should be given notice of this. Mrs. Horvath stated what are the steps if he objects to it? Law Director Graves answered he would just go on the record as objecting to it and Council could still decide to vacate the roadway and it doesn't have to be unanimous to support it. Mrs. Horvath stated he is not a pleasant person but we do our best to try to get along with him. He doesn't get along with any of the neighbors according to our neighbors but we haven't had any problem with him yet. Mr. Horvath showed committee pictures of the Wisnieski's property and added, this is his property that we are cleaning up in the back of us. This is the tree he cut down last year and left it there. There was a brief discussion. *Motion by Kovach/Second by Erdei to recommend approval for the land to be vacated on Madison Avenue for Dennis and Betty Horvath as indicated on the application. Yeas All. Law Director Graves explained keep in mind and just so you understand that, I read Mr. Crabtree's statement and it is not quite accurate in that he says he is disclaiming it or whatever. He can't legally do that, when this vacation goes through the roadway will be split half to him and half to you. That is all the city can do is abandon it and then it automatically reverts down the middle half to you and half to him. Now if you want to strike a private deal with Mr. Crabtree and buy his portion then that is a private deal between the two of you. We don't abandon it all to you. Law Director Graves reiterated the city abandons it then it splits to the abutting property owners. If you want to buy him out, if you want to get a survey and have a deed drawn up to buy his portion that is a private deal between you and Mr. Crabtree and the city doesn't do that. Mr. Horvath stated let's say if I didn't want to do that and you are going to abandon this property and Crabtree doesn't want it. Law Director Graves stated he is going to get it. Mr. and Mrs. Horvath advised he does not want it. Law Director Graves stated well that is too bad, he is going to get it. All the city can do is abandon the road and when that happens it is like the road never existed. You go back in time to a period of time when the road wasn't there and it just splits to the abutting property owners, it just becomes private property. We don't decide who gets it, we say well he doesn't want it – all we do is abandon the road. We don't make decisions of who gets it and who doesn't. Mr. Horvath stated I understand that then where do the taxes come in? Now you are going to take half that property and it is going to come to me and then they are going to tax me for that, I am going to start paying taxes on the half of the property. Is that correct or no? Law Director Graves stated you are requesting that property you are requesting the city abandon it for you. It is upon petition, so yes you will now have the tax obligation for that property. Mrs. Horvath stated and so will Crabtree? Law

Director Graves stated for his half yes. Mr. Horvath stated that is what Mr. Crabtree does not want. Law Director Graves stated then he needs to object to this or something, I don't know what else I can say. Mayor Bring advised you can quit claim it over, it doesn't cost you hardly anything but I don't know if you would have to have it surveyed. Law Director Graves stated you would have to see if the county would accept a legal description that vague, there would be no meets and bounds and no survey drawn up. It would have to be a deed from him to you, that says something to the effect of one half of the right of the way that was vacated by the city by virtue of ordinance or whatever. I don't know that they would accept that as a legal description or not. Mr. Horvath stated I don't think they will because then they would want a survey done on the property and to have a survey done on that property, that is a lot of bucks and it is not worth it. That is what was done on my other property and you are talking \$3000 to \$4000.00. Law Director Graves stated no it would be \$300 or \$400.00 you could get that property surveyed and I could give you names of surveyors that would do it. Mr. Horvath stated I wish I would have had them before with my other property. Law Director Graves stated that is a very small parcel and a survey for that wouldn't be very expensive at all. Mrs. Horvath stated one was \$1200.00 and it was a 50 X 100 foot. Law Director Graves stated I will give you some names of surveyors. Mr. Horvath stated you sort of have me stuck now as to what to actually do. Law Director Graves stated you have to make a decision, I am only advising you on the law. Mr. Horvath stated someone misguided us then because they told us different. Law Director Graves stated somebody said you could draw up a quit claim deed and that is true but that has nothing to do with the city. In other words, the city is going to vacate the right of way and it is going to split to the abutting property owners. If Mr. Crabtree wants to then quit claim his portion over to you, he can certainly do that. All I am saying is that is a private negotiation between the two of you and the county is probably going to want a survey of that property that is being deeded over to you and they may not but we don't quit claim that. Councilman Kovach asked well how does the county make the determination what the property value is and what the tax burden is on that piece of property whether it is 2 pieces or not once we have vacated it? Law Director Graves answered I don't know how they would determine the value of that property. Mrs. Horvath asked what is your name sir? Law Director Graves answered David Graves. Mrs. Horvath asked what is your position here? Law Director Graves advised I am the Law Director for the city. Mr. Horvath stated he looks a little different from the last time we seen him. Law Director Graves stated I am not in my suit. Mrs. Horvath stated I thought that you spoke to him Dennis? Mr. Horvath answered I did and what he told me now is what he told me before but some lady told this lady over here that no they could vacate the land and quit deed over to us. That was somebody that deals with Lorain. Councilman Kovach stated you are going to have 3 readings over 6 weeks for you to make a decision or to get your additional answers. Chairman Erdei stated you could still contact that land owner behind you

too, that Wisnieski. Mayor Bring advised Mr. Horvath if you go down to the recording office over there in Elyria and just go in there those ladies in there would probably direct you really easy because they are very nice and it is just downstairs right down there. Just ask them, tell them this is what I am going to do and ask if you would need a survey on it and they are probably going to ask you a bunch of questions. They probably would be able to help you right away. Mr. Horvath stated I am sorry that there was just misunderstanding because Mr. Graves told me one thing and that is what I was going by and someone else told us a different thing. Mayor Bring advised Mrs. Jancura is the one that said about the quit claim deed who is on the Zoning Board. It is just like Mr. Graves was explaining to you that yes they can quit claim it but that is a private deal, that is not through the city. Mrs. Horvath stated who quit claims it? Mayor Bring answered you can get an attorney but they just go down and get it recorded down there, it is very inexpensive I just had it done. Law Director Graves stated it is the same as if you wanted to buy someone's property, you go to them and somehow or another a deed gets drawn up and usually use a title and escrow company and they record that and it would be your property. If it is all a private real estate, it is probably in your best interest to consult a real estate attorney on that but you make your own decisions. Mayor Bring advised when they record that they need some kind of a number on there to make it some kind of a parcel. Like I said if you go to Elyria Court down there, there is a couple of different floors you got to go to but the ladies downstairs who have been there forever and they are very nice and very helpful.

Mrs. Horvath asked on Council#030, in section 4 it says that we would have to have an easement for any construction or maintenance or operation of various public utilities publicly owned or otherwise. What would we need an easement for on that Madison Avenue. Law Director Graves answered I don't know. Mrs. Horvath stated there is no construction back there or any public utilities. Law Director Graves stated I don't even have an agenda, have you asked anybody else about these things? Law Director Graves upon review advised that would be if necessary, normally when you vacate a street or road there are utilities that accompany that road; there is gas lines, water lines, electric, cable any of that. So even if the city says we are no longer going to utilize this as a public street we still would need access to maintain any utilities that are aligned on that route. So we would need an easement to maintain those utilities and if there is no utilities there the city would not need an easement. Chairman Erdei asked would we know just by looking at our prints at the Service Department.

CITIZEN'S COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Erdei to adjourn at 7:39 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION:

This Meeting of the City Committee 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's Office.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Committee Of Sheffield Lake DO HEREBY CERTIFY that this Is a true and exact copy of the Minutes of the Buildings & Lands Committee of June 2, 2016.

CHAIRMAN

Mark Erdei

COUNCIL PRESIDENT

Rick Rosso