

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
May 24, 2016
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, May 24, 2016. Council President Rick Rosso called the meeting to order at 7 pm.

THE INVOCATION WAS GIVEN BY: Kay Fantauzzi, who then led in the Pledge of Allegiance.

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

Present: Rosso, Smith, Stark, Kovach, Gee, Erdei, Cizl, Wtulich, Mayor Bring, Finance Director Smith, Law Director Graves
Absent: Superintendent Hastings (excused)
Attending: Videographer Eric McElheny, Concerned Citizens, Fire Fighters; Lt. Brian Davis and FF Dan Ferror, Park Board Gee, Civic Center: Nicola, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Cizl to accept the minutes of the May 10, 2016 meeting with any corrections. Yeas All.

Council Worksession - *Motion by Kovach/Second by Cizl to accept the minutes of the May 17, 2016 meeting with any corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Audit:

None./Council Representative to the Joyce Hanks Community Center:

Councilperson Gee reviewed the events discussed at the May 16, 2016 meeting./**Council Representative to the Park Board:** Member Kovach reviewed the minutes of the May 16, 2016 meeting./**Council Representative to the Planning Commission:** Representative Erdei reviewed the minutes of the May 18, 2016 meeting. Law Director Graves advised this isn't really involving the city selling any vacant land. They are asking that we vacate a very small portion of Madison Avenue. It is a one little spur of Madison Avenue that runs west off of Cove Beach which is the portion south of Walker. The portion on the east side of Cove Beach was actually vacated by the city I believe in 1958 and the rest of Madison at that portion of the city was vacated some time before 1923 on the original plat map of 1923 of that area. There is a notation that indicates that the rest of Madison had

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already been vacated at that time. So it is one little residual piece and the next step is that would go to Buildings & Lands and then up to City Council for ultimate consideration. If the city does decide to vacate that by operation of law it would split right down the middle and the property automatically reverts to the abutting property owners on the north and south. So notices will be sent out and we will be going forward with that./

Council Representative to the Zoning Board of Appeals: None.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reported just a few things, a couple of reminders. I will cover Pat too since he is not here. We did have Pride Day and we had Pastor Tom over from the Baptist Church over there with quite a few volunteers. They came over and helped and we also had the Pride Committee and also had students from the High School. So as far as volunteers we had a very large group and they did an excellent job. We did some work at the Boat Launch, work at the Civic Center and also at the Water Department. I think we filled 4 dumpsters full and we still had 4 left I believe. It wasn't as busy as it was in the previous year's but that did allow us to even get the area around our Water Department cleaned up but it went very smoothly and I would just like to thank all the volunteers that came and helped us. We had a few of the Council Members there also and I would like to thank them for their participation. I was very pleased on how that all went and we had some flowers donated by the Baptist Church and also Magistrate Kreig Brusnahan said he was going to donate a couple hundred dollars for that also. The covered bridge is where they also planted flowers up there too. If you have seen those, we had 4 lovely ladies there helping out and they had a really good time with that. We have some pictures and we will put that on the website showing them. Finance Director Smith advised it is already on the website. Mayor Bring continued I had a lot of fun with them needless to say, they are great. The Scorpion Martial Arts Studio over there on Lake Road had Ninja Warriors actually come in from Japan and they had that at the High School in the cafeteria on Sunday which I attended. They came actually from Japan and they were actually photographing that with some people from California and they got to watch that. I know Rosa was there and we took a lot of pictures which are on the website too. That was very interesting and there was a lot of young kids there so you got to see a totally different culture and we had a great time. The people that were from Japan actually did not speak any English, there was one interpreter there and another gentleman that was the narrator of everything for which he did speak English. The guy that was doing the drums who was all dressed up in his garb, I went over and talked to him because he wanted a picture and I thought that he wasn't going to speak English until he said hi my name is Ken. He said if you can put these things on the website so I can actually see them, so he kind of caught me off guard but it was kind of funny. We had a great time with all of that. On Saturday also we had the

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Grand Army Highway, the Sons of the Union Veterans of the Civil War and we met over by OVI and we put up a sign. Tammy was with me on that and that went very well, they gave us a plaque that is very nice. Those people came and were all dressed in their Civil War uniforms, they did a little speech and I got to say a couple of things. That was Saturday during Pride Day so I wasn't quite dressed up the way I should be and I apologized for that but they were very understanding. I do appreciate them and they were very thankful so we have a sign coming into the city and going out of the city. So if anybody wants to see that it is up. I know we keep talking about this but I will bring it up again on the water meters, we did put the other receiver up on the water tower so it is up and running and we have a little over 90% of the water meters now being read by those. So if you go to the water department and say that you are unhappy with their water read we can actually pull up a graph now. We actually pulled up Mrs. Smith's water bill the other day and it showed the usage and it showed when she did laundry and everything else. It is very detailed and it works very well. Then the hand-read, there is still a few of them that we have to do a hand-read and we did have some classes on that today. I think we have 3 guys now to be trained on that and as those guys get better with that, they will train the rest of the guys. This is night and day from what we had and I know this has been a long process. I know it has been gut-wrenching for a lot of people and there has been a lot of angry people but this is all coming together now. I will tell you that it is going to benefit the city dramatically and also the residents because instead of us sending somebody out now to go and check and read the thing, we can do it from base at the water department with a print-out. It is really nice. As Mr. Kovach stated we do have the skate park and we are going to be working on that a little bit more and that pump track will be installed pretty soon. The hot-patch truck that you guys have okayed, the company that had that truck had been sitting for a while because they were using it as a demo. He came in the other day and serviced it and gave us all brand new batteries and everything else. Those were pretty expensive but our Mechanic demanded that he do that and we sic'd Rob on him, so we got all new batteries and everything is up and running so we will be using that very shortly and it is 100% better then what we had there. The property maintenance, we have had a lot of people calling about very high grass and everything else. We do have a gentleman that is going out and taking care of that. The misconception is that we can as a city just tell them that you have to cut your grass or we can fine them and it just doesn't work that way. The process is we have to give out 2 letters and it takes a period of time. We have to make sure that they are notified and we have to have documentation of that. I will tell you that, we just got the PO's I think today to send out for the mowing. So a lot of this grass that is high will be getting cut here very shortly and that is as fast as we can move along with that because Mr. Graves will tell you that if we don't do that we get into litigation problems. There are 3 things that are going on right now; commercially, there are some storage units going on Pleasantview and also the one

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we forwarded which is the Heating & Cooling company that is putting up a new building there and then the Dollar General is moving forward on Lake Road.

Councilman Erdei asked did you get that estimate from Avon Truck for the plow truck? Mayor Bring answered I do have that over there but I didn't bring it tonight

but I will bring it to you guys. We had to take another truck there, one of the other trucks went down. It wasn't a big one but the 1-ton F350 that we had some

problems with and we had to take it over there because the computer had actually shut down and we do not have anything to read the computers on those things so

we had to send that out. Councilman Erdei asked did you or Pat check into seeing how much that unit was for detecting water leaks yet? Mayor Bring answered no.

Councilman Wtulich asked I was just wondering where the Heating & Cooling going? Mayor Bring answered Abbe Road/301. Councilman Smith asked did we

get new meters in? Mayor Bring answered we ordered them. Councilman Smith advised I did want to let you know with my meter, somebody did come out and

actually spray painted a blue dot on it. So I just wanted to let you know that. Mayor Bring advised we had to order those and it is going to take a little while to come in.

*Motion by Erdei/Second by Kovach to accept the report. Yeas

All./**SUPERINTENDENT'S REPORT: None./FINANCE DIRECTORS**

REPORT: Finance Director Smith reported tonight we have the 2 ordinances for the equipment and capital improvement note that we borrowed 2 years ago. We

paid down it last year and we paid down on it again this year. We will pay off the equipment portion earlier then the capital improvement because the equipment

doesn't have as long of life. However, we are going to pay it all off before any life happens here. So we paid \$110,000.00 off on the equipment portion and so we

need to pass this because June 12th is the day it renews. *Motion by

Kovach/Second by Kovach to accept the report. Yeas All./**LAW DIRECTORS**

REPORT: Law Director Graves reviewed the legislation on the agenda. He

advised I would request a brief executive session tonight to discuss pending or eminent court action. *Motion by Erdei/Second by Kovach to accept the report.

Yeas All.

CITIZENS COMMENTARY:

Tom Cossick, 781 Lafayette Blvd., stated I have been a resident 18 years in Sheffield Lake and my issue is with tree's. I live right next door to a 60-foot lot on

the north side between me and my neighbor and 4 years ago I sent a registered letter to the property owner of that property as he also owns 4 lots behind my

property. I sent this registered letter with pictures of a tree, a big maple tree that was leaning over my property towards my house. Well, last week that tree finally

fell on my property and my house. I was fortunate that there was minor damage to the house but the tree was quite big and it cost \$200.00 for me to get rid of that

tree. Now that property also is wooded property on that 60-foot property plus all the wooded behind my place. It has approximately or about 12 dead ash tree's.

Now my concern is that I have already taken care of the maple tree and I was told

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by the Property Maintenance man, Tom Melbar as he came out and looked at the property and was very nice and very receptive to my problems. He took pictures and I also gave Tom a copy of the letter to the property owner who lives in Illinois and he says with this we may be able to do something. I said I appreciate anything you could do for me and Tom got back to me and said that his boss said that there is nothing that you could do for me about that tree on my property – nothing at all. So with that I went ahead and made arrangements to have that tree removed from my property and it cost me \$200.00. My concern now is about all of the dead ash trees on that property. If they start falling on my property, what am I supposed to do, I need some help. Law Director Graves advised all we can do is stay after the owner, it is a property maintenance issue. Mr. Cossick asked does the city have the authority to advise the property owner that he has to do something about these trees. Is it our responsibility or my responsibility to take care of his tree's when they fall on my property, I don't think that is right. I mean we have a lot of city ordinances that cover a lot of things, I think we need an ordinance that covers people that own property should be liable for tree's that cause damage or cause problems for other land owners. Trees are big problems I am too old to be cutting tree's down anymore. President Rosso advised it has happened in the past and it is always come down to your insurance would cover that. Mr. Cossick answered my insurance deductible is quite high. President Rosso advised I don't think you can legislate around it. Law Director Graves advised we can't pass legislation that says that he is going to be liable to you for damages. That is a civil action between the 2 or you, all we can do is enforce our exterior maintenance code which dead trees are a violation of the exterior maintenance code. So we could continue to send letters and issue citations. Mr. Cossick asked so something will be done about those dead ash trees on that property, I would appreciate it. Law Director Graves advised I will look into it. Mayor Bring advised Tom has been going around giving letters out and we have been trying to get the people to take care of that, I am actually the one that told him when that maple tree fell over there that we can't do that and we can't even go on the property and do that. We can't even go on the property and do that because it's your property once it falls on there are hands are tied. I agree with you 100%, we have had several people comply with this and we have had several people arguing with us saying they don't have the money. Mr. Graves and I have talked about this as far as the city going in and putting it on their taxes but I think the amount of trees and what goes on it would cost the city an absolute fortune to do that. I do absolutely agree with you that that is a huge problem and the people that are neglecting their own properties, I have had several ladies calling me and saying that the city should take care of it and I have said well you're the one that owns the property. If you can't handle the property and can't pay for that then I suggest that you sell it and they said you can't force me to do anything and I told them you are right but it does become a safety hazard and we will send you a letter so if something does happen that letter will be given to the affected property owner

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next to you and could be used in a civil suit. That is about as far as I can go, it is extremely frustrating but we had a number of people comply last year. But there are people that still aren't doing that. I just want to tell you that it is a very big concern of mine and I know that happened to you and like I said Tom and I had a long discussion with it and unfortunately that maple tree, even though it was hanging over was not dead at the time because Tom told me I didn't even write that up because it still had leaves on it. Yes, I agree with you and yes we are trying to do the best we can. Mr. Cossick stated on that maple tree the other half is ready to fall. Mayor Bring advised yes he did say that too. We will do whatever we possibly can for you. Law Director Graves stated the city's ability to go onto grounds and actually start removing trees is limited to the public areas and the only time we can go onto private property and remove a tree is if we felt that it was a danger to the public as a whole or if it as spreading disease or something like that. The city cannot go on people's private yards and start taking down their trees, we can issue tickets, citations for exterior maintenance violations.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS:

Council#026 (revised) – SECOND READING – an ordinance amending section 1351.04(a) of the codified ordinances of Sheffield Lake regarding Demolition Board of Appeal and the declaring of an emergency.

Council#028 – EMERGENCY – an ordinance authorizing the issuance of two hundred forty-four thousand dollars (\$244,000) of notes in anticipation of the issuance of bonds for the purpose of purchasing, acquiring, replacing or updating vehicles and equipment for various city departments, retiring notes previously issued for such purposes; and declaring of an emergency.

*Motion by Kovach/Second by Erdei for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Gee, Stark, Kovach, Wtulich, Cizl, Erdei.

*Motion by Kovach/Second by Wtulich for APPROVAL:

ROLL CALL FOR APPROVAL: Yeas All – Erdei, Kovach, Cizl, Wtulich, Gee, Stark.

Ordinance Passes#27-16

Council#029 – EMERGENCY – an ordinance authorizing the issuance of one hundred ninety-six thousand dollars (\$196,000) of notes in anticipation of the issuance of bonds for the purpose of making permanent public improvements to various city facilities consisting of repairing and replacing roofs, resurfacing parking lots and repairing, and remodeling various city buildings, retiring notes previously issued for such purposes, and declaring an emergency.

*Motion by Kovach/Second by Gee for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Kovach, Smith, Wtulich, Stark, Gee, Cizl, Erdei.

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*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance#28-16

*Motion by Kovach/Second by Erdei to go into executive session for the discussion of pending and eminent court action.

ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Stark, Wtulich, Smith, Kovach, Gee, Erdei, Cizl.

*Motion by Kovach/Second by Cizl to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Erdei, Gee, Kovach, Smith, Wtulich, Stark, Cizl.

Law Director Graves explained let the record reflect that the City Council of Sheffield Lake did adjourn to executive session for the discussion of pending and eminent court action.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:59 pm. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, 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 May 24, 2016.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring