

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
October 11, 2016
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, October 11, 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, Mayor Bring, Smith, Cizl, Kovach, Gee, Erdei, Wtulich, Stark, Finance Director Smith, Law Director Graves, Sergeant Frank Goscewski
Absent: Supervisor Hastings (excused)
Attending: Videographer: Tandi Fritz, Park Board: Gee, Concerned Citizen, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Cizl to accept the minutes of the September 27, 2016 meeting with any corrections. Yeas All.

CORRESPONDENCE:

Monthly report of court receipts for month of September 2016 - \$5541.20.

PRESENTATIONS: *Mayor Bring submitted Christopher Garretson for Full-time Officer at the City of Sheffield Lake Police Department.* After a brief question & answer period from Council Member;

***Motion by Kovach/Second by Gee to approve the appointment of Christopher Garretson for the position of Full-time Officer for the City of Sheffield Lake Police Department.**

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

Mayor Bring swore in Officer Christopher Garretson as a Full-time Officer for the City of Sheffield Lake Police Department.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the October 3, 2016 meeting. *Motion by Cizl/Second by Kovach to approve the sewer credit in the amount of \$109.82 for 4145 Knickerbocker Avenue. Yeas All.

*Motion by Erdei/Second by Wtulich to accept the report. Yeas All./**Safety:** Chairman Wtulich reviewed the minutes of the October 5, 2016 meeting. *Motion by Cizl/Second by Kovach to accept the report. Yeas All./**Buildings, Lands,**

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Vehicles & Equipment: Chairman Erdei reviewed the minutes of the October 6, 2016 meeting. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./

Ordinance: Chairman Kovach reviewed the minutes of the October 6, 2016 meeting. *Motion by Erdei/Second by Wtulich to accept the report. Yeas All./

Finance & Audit: Chairperson Stark advised next meeting will be December 20, 2016. President Rosso explained due to Council meeting being scheduled for November 15th and 22nd there will not be a scheduled Finance meeting but will be handled under Council for the month of November 2016./**Council Representative to the Joyce Hanks Community Center: None./Council Representative to the Park Board: None./Council Representative to the Planning Commission: None./Council Representative to the Zoning Board of Appeals: None.**

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring advised I believe all of the committee members did a very good job of reporting and I don't have anything for this meeting. He advised there was a gentleman that applied to sell Christmas trees down at the Shopping Center and I had him contact David and he did turn in all his stuff. So they will be selling Christmas Tree's down at the corner down there. Finance Director Smith advised it is good to get the word out early for sure. *Motion by Kovach/Second by Wtulich to accept the report. Yeas All.

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

Finance Director Smith advised the balance report is attached for September 2016. She also advised of Council#055 which is the resolution accepting of the rates and amounts as presented by the county, we do this every year and I just need that resolved tonight. *Motion by Kovach/Second by Wtulich to accept the report. Yeas All./

LAW DIRECTORS REPORT: Law Director Graves advised on the attached request notification from Ohio Division of Liquor Control reference transfer of Dollar General liquor license from 4128 E Lake Rd to 4672 E Lake Rd (new store). President Rosso advised I was reading through the minutes and we were talking a little bit before the meeting about people not remembering when we passed this but we did as probably everybody heard when I was talking earlier. But we did pass this because the concern being if you try to restrict it and someone tries to develop somewhere else we have already set a precedence of not approving it. As far as I know we have never really had an issue with the Dollar General as probably most of Council don't realize that they sell alcohol there and I think it is beer and wine if I am not mistaken. So those of you that weren't here when we passed that originally or approved it. Law Director Graves advised we need a motion to either request a hearing or not request a hearing. *Motion by Wtulich/Second by Kovach to **not** request a hearing for the transfer of the liquor license for Dollar General. Yeas All. Notify Ohio Division of Liquor Control – mark and send back, no hearing requested. (marked no hearing, signed and sent

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back on October 12, 2016). Law Director Graves reviewed the legislation on the agenda. *Motion by Kovach/Second by Wtulich to accept the report. Yeas All.

CITIZENS COMMENTARY:

Romolo Debottis, 868 Lake Breeze stated just a quick story, me and the wife own some property and we are always in the woods and about a month ago, a very calm, no breeze, working in the woods and this tremendous tree just collapses and no one was hurt. The reason why I tell you that story, we also like to walk and we have probably walked every street in Sheffield Lake at least once, some hundreds of times and I just notice many, many, many dead trees that hang over the sidewalk and some hangover the road. I don't know if the city has any responsibility to notify these homeowners but when I saw that tree just come down and there was no breeze at all. It just collapsed and it came down, if there had been 3, 4 or 5 people there they would have all been dead. There was no warning, you didn't hear a crack or anything it went boom and it fell down. When I went to look at my tree, it was probably 80% in better shape than most of the trees that I have seen. Most of the trees here are dead Ash and have been standing for years, the bark is completely fallen off the tree so it is at the very last stages of disintegrating and to me I don't care if they are someone's backyard and they collapse and they hit their house or whatever. But when they are hanging over the sidewalk where kids play, people/pedestrians walk and then even hang over the street where people would be driving. Now it is probably a one in a million chance but I am sure with as many dead trees as we have in this city it is probably bound to happen some day soon. Law Director Graves advised well dead trees that are a danger due to their deteriorating condition, they are the responsibility of the property owners. Unfortunately, many property owners in the city lack the resources to remove the trees. So it is a tough situation, we are trying to work with people. The city would have the ability if it was an emergency situation to remove it and then put a lien on the property. But that is something that we would have to discuss as well. President Rosso stated I am sure I am going to butcher this term or use the wrong term, Alan you might remember back when Bill was still here doesn't the city have to have a Forrester that is licensed or whatever that is that basically condemns the tree and you could force the homeowner but we don't have that. So I don't think legally we could. Law Director Graves stated we still have the Forrester. Councilman Smith stated the only recourse we have I think he can deem it as an emergency or unsafe. Mr. Debottis stated there is one on Lake Breeze that is so dead that they put concrete in the cavities of the tree and part of it fell and part of it is still sitting in the front yard. That fell over the sidewalk into the street and the tree is still there and is 100% in my opinion a complete eyesight and it is a mammoth tree that hangs over the street and hangs over the sidewalk. That is just one small example, it is going to be that one in a million shot that someone is going to be dead. It doesn't have to be a storm, it doesn't have to lightning or thunder, the tree is just going to come down once they deteriorate they are done. Mayor Bring advised

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over the last five years, we have tree services cut down similar trees to that. We have a Property Maintenance Manager go out this year and he wrote I don't even know how many letters to everybody and passed them all out. We had some people just ignore us and some people acknowledged that they have dead trees saying they don't have the money just like the Law Director said. Then we had quite a few people actually take the trees down but next year that line item will have some more money in it. So if we get into a situation like that where it is dangerous then we will as a city cut that down. We had several properties this year where it abutted up to residential properties as a right of way and stuff like that and we had a tree service go in there and cut several of the Ash trees down for that. Some of them fell on the one guy's house twice, smaller trees but we did take care of that and we have been actively keeping up on that. I agree with you that there are numerous pieces of property that have that but some people just refuse to do it. Now with the notifications since we have notified that and the adjacent property owners that is something does happen I don't know that their insurance company will pay for it though because they have been notified and deemed that it is dangerous and they are ignoring it. Mr. Debottis stated I was told and I don't know if this is true that you notify the homeowner and tell them the tree is a danger, they have to take it down and at the same time you can request of it of their insurance company and at that time they pucker up real good and it usually ends up coming down. Usually if the insurance company knows that there is a dead tree they will either cancel the policy or make them take it down. Mayor Bring stated there is no doubt it is a problem but we have been pretty active with it but I don't think enough people have complied with what all the letters that are out there. I would guess to say he probably sent out almost 75 to 100 letters and probably 10% of those were to cut the trees down.

/UNFINISHED BUSINESS: Councilman Kovach advised I don't have the schedule in front of me but I don't have the schedule in front of me but we do have the upcoming Halloween Contest and judging for this year. The Pride Committee is sponsoring the Halloween Contest for this year and those of you that are interested there is the dates and the times for the judging and what is going on on our schedule that should be on the podium.***/NEW BUSINESS:*** Mayor Bring stated on a sad note that our former Treasurer James Hoenig did pass away over a week ago. He was a good guy and you never get a chance to thank them and he unfortunately is now gone. I didn't know if everybody knew about that. Councilman Wtulich gave Halloween Contest dates, all entries must be submitted no later than 5 pm on October 17, 2016 and judging will take place October 22nd and 23rd from 7 pm to 9 pm. Displays must be visible and operational during that time period to be judged and winners will be announced on Wednesday, October 26, 2016 and prizes awarded on Sunday, October 30, 2016. It is open to all Sheffield Lake residents and businesses. Councilman Erdei stated concerning the Boat Ramp and I was going to bring it up when Steve was giving his report but I

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have noticed it and a couple of other people noticed it and these guys on the jet ski's and that are power loading their vehicle. They are just gunning it and running it up onto their trailers and that which I don't see a problem but they are getting a little outrageous. What that is doing is just pushing all the sand back in and you got hills now in the front in the water from the propulsions and the sand building up on there. Then I see a few boats that are even doing it and it is shallow as it is. When that is going on it is just pushing all that sand and making a big hill back there. So I just wanted to bring it to your attention. Maybe we can put a sign up there and I know people don't read sometimes but no power loading at the boat ramp. Just something to think about but I have seen it quite a few times. I can see idling and cruising up on it but these guys are gunning it. I mean all you got to do is back your trailer up a little bit more in the water.

ORDINANCES AND RESOLUTIONS:

Council#055 – EMERGENCY – a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the county auditor and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#53-16

Council#056 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve an additional bequest from the estate of Elvira N. Windsor in the amount of \$686.61 and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#54-16

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:41 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

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 October 11, 2016.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring