

Minutes of the Ordinance Committee Meeting
Sheffield Lake, Ohio
March 4, 2010

The regular meeting of the Ordinance Committee was held Thursday, March 4, 2010. Chairman Eric S Elliott called the meeting to order at 7:28 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Bring, Huska

Attending: Councilman Kovach, Law Director Graves

READING OF THE MINUTES: *Motion by Bring/Second by Elliott to approve the minutes of the February 4, 2010 meeting with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Wind turbines; Nex Gen – Law Director Graves advised the legislation is adopted and I think it is a good piece of legislation. That provides for a conditional use permits, so it will have to go the Zoning Board. There will be legislation for authorizing the Mayor to enter into the contract with Nex Gen once we are done with the terms. There is lots of little things but we will it worked out. Chairman Elliott asked you the major things done on that, I know there was a couple of hurdles we had to jump there. Law Director Graves answered yes, the main hurdle was agreeing on the rate and making sure that we were reasonably assured that whatever rates we agreed to pay for the next 10 years are actually going to be a savings. That was not easy to get the numbers through NOPEC/Ohio Edison and see what they have negotiated over the next 9 years, in turn looking at all the transmission costs. But I think we are at a point now where we are satisfied with the rate. There are a number of other little provisions in the contract but at this point I think Nex Gen just really wants to get rolling. I think we are going to be good.

NEW BUSINESS:

Limit for donations – Chairman Elliott advised I knew that was supposed to go through Worksession and last month due to the weather we didn't have a Worksession. So we will just carry that over. Mr. Bring concurred yes I would like for that to be gone over in Worksession. Law Director Graves advised I understand the reason for and I 100% agree on having legislative approval of donations but I also think that its kind of argerus or kind of silly actually to have to bring miniscule donations for legislative approval and have to have a resolution

to approve for example a \$20.00 donation from Pride Day or a smaller donations here or there. I think that a threshold limit for legislative approval would be appropriate. Chairman Elliott advised we will further **discuss it under Worksession.**

Authorize city to enter residential property to abate a sanitary line problem and attached costs to tax duplicate if necessary – Chairman Elliott advised maybe at the next meeting we can have Joe and Bill attendance with a recommendation as far as an ordinance. Unless you want to get with them Dave and see what their recommendations are. Law Director Graves advised as you recall, we discussed a very similar issue about 2 years ago and at that time Mr. Gardner had wanted to pass an ordinance making it illegal for any homeowner to open the pit. You know if you even took the lid off it would be illegal. Chairman Elliott stated this isn't a water pit though is it? Law Director Graves answered oh I see, okay I am talking about a different issue. The issue I am talking about was also brought up. He continued this came up with a homeowner who actually due to a break in the sanitary line, was having a great deal of ground water infiltration. Their sanitary line on their property was actually broken and there was actually some discussion about whoever put the sidewalk in didn't do it correctly but that was years ago and be that as it may the point is their line was cracked. It is actually a criminal violation to allow a break in your sanitary line, it actually provides for a criminal penalty. You know that has been the hammer that the city has used to say look we are going to cite you into court unless you hire a plumber to go fix this. This was a situation where they were out of state, the homeowners actually lives in a far away state. So citing them criminally wasn't going to be feasible and the point was made, can the city just go in and abate it – we will dig it up, we will fix it and then just charge the homeowners or put it on their tax duplicate. The homeowners have said fine, go ahead and do it and we actually had them sign consent to put the costs of that repair work on their tax duplicate but the county wouldn't accept it without an ordinance on the books that we could show them authorizing the city to do that as a special assessment. So in order to attach it even with a consent of the homeowner, there is going to have to be some legislation on the books that says that we could do this and right now all we can do is compel the homeowner to do it with a threat of a criminal sanction but again if they are an out of state owner we are not going to go extradite over a misdemeanor code violation. Chairman Elliott advised we would rather just correct the problem. Law Director Graves answered yes it is a couple hours job, the guys can dig it up and they can fix it and then we will just put whatever the costs on their tax duplicate or we will send them a bill or put it as a lien on the house. Mr. Bring advised basically the same thing like with the grass cutting and things – the same thing. I would agree with that. Chairman Elliott advised I think that is a common sense issue really. Mr. Bring stated if the water is going in there in the sewer we are ultimately paying for it anyways. So if

we don't fix it. Chairman Elliott asked what would that ordinance entail, do you have a pretty good idea on what direction to go? Law Director Graves answered yes I can write something, you know we got to make sure that it includes on this years tax duplicate. There is some little details but yes it wouldn't be hard to write. Chairman Elliott advised just go ahead and write it up and we will go ahead and get the first reading in.

Water pits – Chairman Elliott stated like you said Dave we originally first started discussing this a couple of months back or a couple of years back and that was actually shot down then. Law Director Graves advised at the time Mr. Gardner wanted to make it illegal to even pull the lid off of the pit and I think the way that the committee came down was, it is all about intent and just taking the lid off doesn't necessarily mean that you intend to tamper with the meter and that tampering with the meter is already illegal and to leave it alone but I want to double check that. Mr. Bring advised I understand that they actually cut the wire and actually remove the meter, they actually had them in the house. Law Director Graves asked so there was no meter on it? Mr. Bring answered on 2 different occasions. Law Director Graves answered if that is the case that actually should be a theft, they are stealing city property. The city owns the meters, not the homeowner. Chairman Elliott asked why would they take that off? Mr. Bring answered I don't know, I just know that is what the guys said – they said it was in the people's house. I think they actually did it twice. Law Director Graves asked how do they actually think they are going to get away with that, at some point they are going to try to read the meter and not find it. Mr. Bring advised no after I started talking more about it and they told me no they actually physically remove the meter. Mr. Bring stated I would probably write something up for some type of tampering with such and such offense. Mrs. Huska stated I still feel you should still be able to open the pit. Mr. Bring concurred I don't have a problem with opening the pit. Chairman Elliott stated I don't think you should be able to open the pit, now that I am thinking about it. If you have a water shut-off in your house especially - there is no reason to be in it. Mr. Bring stated Bill said that they were removing some of those over there in Irving Park and letting water go down, I don't know if it was in the pits. Chairman Elliott stated the last time I knew we discussed this was about criminal intent, what your intent was when you were opening up the pit because I know when I first moved into my house we didn't know we had a water shut-off in the house and I was actually told that I didn't. Well we had an incident where one of the pipes burst and I had to go out to the street to shut it off because I was going to have a big problem if I didn't. Mr. Bring advised actually our old house on Abbe Road was the same but we did not have a shut-off in the house, we had to shut-off at the street. Mrs. Huska stated well Don opened the pit up because we had a break between the house and the street but he didn't turn it off he just called. But I don't think it should be criminal intent if you

open the pit to look at it. Chairman Elliott advised I don't think they will actually charge anybody just for opening up the pit but I think for tampering it is different. You definitely need something to fall back on to actually charge somebody who takes a meter off, like Dave said that is actual theft. Law Director Graves to investigate further. Mr. Bring stated I know in Avon Lake and Kay has that by the way the ordinance for that, she has for Avon Lake I think it is a \$400.00 if you shut the water off by yourself without having them do it. It is a fine and they put it right on your water bill. Mrs. Huska asked but they don't fine me for opening the pit? Mr. Bring answered no. I figure we could institute a fine if the water is shut off without notification or if the water is turned on – either way. Chairman Elliott stated the way Bill talked it is already a fine, at least I thought it was. Mr. Bring stated I have never heard of that, I could be wrong. Law Director Graves advised I will look into it. **REFER - Further discussion at next Worksession.**

Bid for leasing additional space water tower (cell phone) – Law Director Graves advised we are going to be going out to bid for leasing additional space on the water tower for additional cell phone tower. We have a company that is very interested in leasing that space right now, this would be an additional lease to the one we already have and it would pay the city I think around \$1200.00 a month but I could be wrong. I have taken a look at this and I really think it is something that we need to go out to bid on, I think that this is a sale or lease of city property and I don't see any exception to it. I think we need to go out to bid for this so it is something that is going to have to be approved by Planning Commission because it involves a public or private utility. All that can happen rather quickly. What we are going to do is go out to bid/it has to run in the paper for 5 weeks, once a week for 5 consecutive weeks and we will solicit bids to put cell tower on top of the water tower. If this is the only company that bids then that is the only one that we will do. If we get 4 or 5 we may do them all because I think according to Mr. Gardner there is room for 8 up there. So we could multiple ones up there. So we will see but we are going to have to go out to bid for this. Chairman Elliott stated it makes you kind of sad that we ripped the other one down? Law Director Graves stated the other water tower, when you look at the costs of having to paint it – I think that the Service Director to paint this one and I think it is going to be about \$35,000.00 just for the exterior. Chairman Elliott asked are we even using it? Law Director Graves answered no, neither of those water towers were used. They don't make any sense, in order for that to be feasible you would have to jack that up 60-feet I think – 30 or 60 feet up which is astronomical costs but just to paint the exterior which needs to be done is \$35,000.00. It would be an additional big costs to paint the interior but we can get away without doing that since we don't use it for water. Mr. Bring stated put it up for advertising? Law Director Graves joked that sounds like something Mr. Gardner would suggest. Chairman Elliott stated so according to Bill we can actually fit up to 8 different towers up there? Law

Director Graves answered well there are antenna's up there and then they have got to put a small box in the ground that I think is like a 4 X 6 pad but there is plenty of space to put those down there. Chairman Elliott asked do you know the company? Law Director Graves answered no I can't remember right now. So I just wanted to advise you that there will be some legislation coming in regard to that.

Residents complaining about large number of cats – Law Director Graves explained these complaints are primarily coming from the residents off of Irving Park. They are complaining of a number of wild cats in the neighborhood, that they are causing damage and giving a lot of problems. They wanted to know if there is anything that we can do about it and right now there really not much that we can do about it. We limit the number of cats per household but you are going to be hard pressed to find anybody that actually says that they are their cats. Some people might say well I feed them or what have you but they are not my cats. They have pretty much become wild cats and there is a lot of them. There is no cats at large like we have for dogs at large. Now in Avon Lake there is an ordinance that prohibits cats at large and the Animal Control Officer can round them up and take them to a place and do whatever they do. But we don't have anything on the books to really deal with it and I don't think the county is really going to do it either. Mr. Bring stated I think we have a tremendous problem with that in this city. Mrs. Huska advised David there is a lady on the street by Amber Oaks, it is the first house and that is Lois and she works for Love-A-Stray and I think she does the feral cats. Law Director Graves advised this is a situation like I am talking about, she has dozens of cats that hang around I believe but they are all out doors. Mrs. Huska stated she calls them the feral cats but she works with Love-A-Stray. Chairman Elliott advised I know that over on my end there has actually been a couple of complaints about dogs, a couple of stray dogs that run. Mr. Bring concurred I have actually heard that too. Chairman Elliott advised but I have never seen them, as far as I know it is not a problem. Law Director Graves advised we have had several coyote sightings this year. Anyways as far as the cats, I don't know what you would like to do. We can create some legislation about them but then it is going to have to be enforced. Chairman Elliott stated that is my problem there is that even if we do put something on the books, we don't really have an Animal Control Officer right now so it is not going to be enforced. It is kind of a waste of time. Law Director Graves advised the county will come out but that has a got to be an emergency situation. The county is not going to round up all our cats. Now there was some discussion about entering into a partnership with another community but I don't know if that has ever gotten off the ground. Chairman Elliott stated in my opinion, sense we don't have an Animal Control Officer this is a waste of time. I mean this may be a problem that we might consider once we do get an Animal Control Officer but this is just going to go on the books and it is just going to sit there. Mrs. Huska stated I think my next day off

I will just Lois and see if she can do something because I have called her before. Law Director Graves asked what is she going to do? Mrs. Huska answered what she does is, she has houses and I want to say did she tell Avon Lake. Mr. Bring stated you still got to catch them. Mrs. Huska stated she is good at that though. Law Director Graves stated yes but and I hate to say this but I believe she is a big part of the problem. She has got dozens of cats that roam the neighborhood around her house – the feral cats; those are wild cats and she doesn't take these in her house – she probably feeds them, they just go to her house to eat and then they just run wild through the neighborhoods and they defecate in other people's yards and they fight at night, they have these loud fights. I don't know her but I have heard about her and I know she means well but she also has a lot of cats that in her yard and around her house. Mrs. Huska stated I was told she had 2 houses that she could use and that she keeps them at these other houses in a different place. Law Director Graves advised first of all, if she has them in her house she can only have 4 – she can't have 20 cats in her house. Mrs. Huska stated no I meant it is in a different city and she uses this house just for taking care of feral cats I thought. Mr. Bring stated another thing and I keep referring back to Avon Lake but I would probably have Kay call there and see if that ordinance is working for them and how effective it is. I would like to just get an idea because I don't think that is a bad idea. Chairman Elliott advised it is not a bad idea but I just think it is going to sit on the books and not be enforced, without an Animal Control Officer there is not much you can do. Mrs. Huska stated do you remember the time we tried doing something about cats, it was before you were up here but we had a whole audience. Law Director Graves stated I don't think I will ever forget doing something. Chairman Elliott stated I don't think I will ever forget doing something about the cats. Mrs. Huska stated well there was a time before that one too. Chairman Elliott stated well we can look into it but my whole thing is if we are not going to enforce it, why even put it on the books as it is just a waste of paper? Mr. Bring stated I would just to find out on how hard that is to enforce, that would seem like it would be very difficult. It is one thing for a dog but to get cats.

CITIZEN'S COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Bring/Second by Huska to adjourn at 7:57 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

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Committees of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Committee of March 4, 2010.

CHAIRMAN OF COMMITTEE

Eric S Elliott

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso