

Minutes of the Ordinance Committee Meeting
Sheffield Lake, Ohio
October 7, 2010

The regular meeting of the Ordinance Committee was held Thursday, October 7, 2010. Chairman Eric S Elliott called the meeting to order at 7:23 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Huska, Kovach

Attending: Councilman Bring, Councilwoman Stark, Service Director Smith,
Law Director Graves

READING OF THE MINUTES: *Motion by Kovach/Second by Huska to accept the minutes of the September 2, 2010 meeting with any corrections. Yeas All.

Chairman Elliott reviewed mission statement for committee: It is our aim to streamline the ingress and egress of this committee. Proposed ordinances may be forwarded straight to Council (instead of Worksession) if the following measures are met; 1) the issue is based on common sense, is enforceable and prudent, 2) the ordinance is scheduled for 3 readings and 3) the ordinance is sent to Council by a unanimous vote of this committee. All others will be forwarded to the Worksession for further discussion.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

*Increase costs of driveway pipe installation to \$14.00 per lineal foot –
REMOVE.*

“Children at Play” signs in designated areas due to neighborhoods changing –
Chairman Elliott requested Law Director Graves to check on if we could increase the speeding violation rate for designated areas violations for so noted area. Law Director Graves advised you have to be careful, in my mind I am equating to like a construction zone where speeding fines are doubled or something like that. So you just have to be careful in defining the zone. So you would have a children at play zone so the speeding fine would be doubled, you have to be careful of how you define those zones. You know every street in the city probably has children and I don't know how you figure which ones would have the zones and which ones wouldn't or how you would lay it all out. Chairman Elliott advised I really don't want to create a logistical nightmare here and I think that is in the direction we might be going. Although I want to look at it a little more. Law Director Graves

advised I will do a little looking, I will look for you.

Changes to Chapter 1375 Swimming Pools; requirements – Service Director Smith advised the only thing I want to say is that when I went back, I told you I would go back and find out what was what. Those were recommendations that Steve based them on, they were recommendations that he thought the city should look at down the road. Even today it was like maybe down the road next year when spring is coming, maybe Council might want to look at adjusting that. His concern was just the fact that more 24-inch pools are sold than the 30's. That was his only thing on it and I kind of explained to him about the purposes of codified's, what they are and how they are made.

Changes to Chapter 1377.01, .02, .03 and .04 carbon monoxide (CO2) detectors and alternate system – Service Director Smith advised as far as the CO detectors, it was the same thing. It was a recommendation to go above and beyond the current code requirements and just add that to new occupancies, rentals and/or new construction. Chairman Elliott advised that was one of the concerns that was brought up to me was existing structures. Service Director Smith answered no, it is rentals; for occupancy permits. Chairman Elliott advised one thing that I would be interested in is making sure that is updated for include all current commercial buildings. That is something that I think we could look at.

Law Director Graves advised I guess just to refresh everyone's recollection, I did pull the current sections of the current pool ordinance which we talked about at some length and we did revise back in 2007 and the reason for going to the 36-inch height even though it is kind of a unusual – it is not really a standard height for pools. I think the Building Inspector is saying they are 48 and then you go to the 24 and the 24 are really the kiddie pools. The reason for going to the 36-inches is because at the time, there was a lot of concern about the inflatable large blue above ground pool that were cropping up everywhere and were kind of slipping through the cracks as far as requirements for other above ground pool but did have mechanical pumps and were designed to be up for the entire season. They were typically around 36-inches, so that was the reason at that time for going to the 36-inch requirement for fences. Chairman Elliott stated I don't think this actually deals with fencing, it just pretty much deals with electrical lines. Service Director Smith advised yes the electrical is what he was concerned with too, that was the other section that he was concerned with. Like David was saying, these smaller pools the 30-inch, the smaller inflatable pools – they still come with a pump and a filter and people were plugging them in with extension cords and leaving them plugged in and not having a GFI/isolated GFI circuit installed to handle that and that was his way of having that adjusted so even if it was one of them temporary pools it would still have to have an isolated GFI circuit. That was one of the other recommendations that he wanted pass on. Anything with a mechanical pump or electrical pump and filter. Chairman Elliott stated maybe we should just do away with the height requirement and just say anything with a mechanical pump. Law

Director Graves advised we had talked about that and I forget what the conversation was but at the time that was rejected in favor of just putting a lower height on it. Councilman Bring advised you run into those situations too with hot tubs even though that is hard wired into there, there would have to be a GFI in the box to prevent that too. I don't know how that works, Steve would know more on that too. Chairman Elliott stated discuss that with Steve about hot tubs and that kind of stuff and we will move on from there but to me having an isolated GFI outlet or circuit is common sense. Service Director Smith advised I think Building code is the outdoor outlets have to be on GFI. But on existing structures and older homes that might not necessarily be the case. Chairman Elliott advised we will hold further discussion for next meeting and also pull previous discussions under 2007 ordinance change to see what the problem was back then.

Internet Sweepstakes Cafes – Chairman Elliott advised this was approved by Council at the last meeting. Is there anything that you want to update us on? Law Director Graves advised we have 2 that are actively engaged in renovations. Chairman Elliott state I knew of one, where is the second one going to be? Law Director Graves answered one will be at the old Schueneman's building and one will be at the old Gus's building. Service Director Smith advised one of the existing ones is checking into the availability of the corner of Abbe and Lake – Duff's Corners. Law Director Graves concurred yes one of those 2 is looking for an additional one at the old Framm's/The Spot. Service Director Smith stated where we are at is we have the form done and David is going to legal review on it right now and if I am not mistaken that is where it should be at. Law Director Graves advised I was provided with a draft license application today and I haven't had a chance to review yet. Service Director Smith advised the other licenses for each individual machines, Tammy and I have kind of got that figured out and how it would be the easiest and then it is going to go to David for review. I have already gotten commercial building inspector reports on both locations and I had that put in writing so that that was covered. That will leave the application process yet to review once all the stuff comes in and David – it is his material and he gets to go through it. We can go through the actual applications. There was one little thing that I would ask for some clarity on that we came in the process of and me and David will come to that but it was just the fact that their machines – the individual machines, when you go and apply for the application to get the license you have to have a list of the machines but they don't know when they are going to get their machines until after they get their license. The machines are ordered, so they will actually have the license up to the point where they won't have the machines yet. They will have the license to open up the business but they have to order their machines and it takes weeks for that to happen. So I don't know how David wants to, if it is based on the application of license not being effective or the effective start date isn't until those machines are on site and individually licensed as required by the ordinance. So it is a little conflicting and like I said he

just got that today, so he needs a little bit to go over that. Chairman Elliott stated so we are looking at 2 possibly 3 businesses locating here. Service Director Smith answered yes. Chairman Elliott stated I believe City Council stated they do not really want to put a restriction on how many are located in the city. So I guess the ball is in you guys court. All I want is to just to be kept posted as far as how many businesses are looking to locate here and when they do get up and operating how things are going. Law Director Graves answered there is a lot of interest and I was even made aware today other local tavern owners are looking into doing this. I had to remind some folks that this is not something that is going to be permitted at any alcohol related establishment. That they would have to find other venues and they understand that, it is not something that if you own a bar in town you are also going to be able to have internet sweepstakes. It is clear in the ordinance that there is no alcohol and you are not serving food other then snacks and those type things. Chairman Elliott stated it is also my understanding that we are not allowing this at the shopping center or is that still under discussion? Law Director Graves answered there is nothing formalized but we have ultimate control over the businesses that go into the shopping center. My advise would be that the city should steer clear of that for a number of different reasons and even if the consensus was that we should allow it at the shopping center I would say that that is something that should be bid out because there is limited space and if you have multiple people wanting to go in there how do you pick and choose who goes in. I think it is something that probably should be bid. Service Director Smith advised at this time I have currently got 3 perspective tenants for spaces that are not internet sweepstakes cafes. There is a possibility of filling 3 spaces down there within the next couple of months. Law Director Graves stated this might be a little off topic but since we are talking about the shopping center, just so everyone understands – in September the option expired with North Coast Capital Partners. That was the one year agreement and one year option, their still going to try and work with the city – they have some ideas or if they want to come with proposals but that agreement is expired. The Finance Director and Service Director had a very productive meeting this past week and hopefully some positive things on the horizon. Councilman Bring stated I don't know if this would be on this committee but for that internet café, are we creating a separate line item for the money that is coming into that or is that simply going in general. What line would that be coming into? Service Director Smith answered permits and fees. Law Director Graves advised I think that is a question better answered by the Finance Director. It is something right now that the Service Director is kind of charged with licensing so yes any other fees and license fees. Service Director Smith stated we do have a line or fees and permits, as a matter of fact I just kind of went over that where through the Building Department – all the permits and fees that come in and we are ahead of where our prediction was for. To give you an example, our prediction was to be about 105,000 – that was the forecast and we are at about

97,000 currently the end of September which is a really good thing. I would imagine that that would be in the same thing. Chairman Elliott state which is something to actually discuss, I know that Council was hoping that a lot of that money goes towards the purchase of a couple of ambulances because obviously we need them and then we will go from there once those are bought and paid for. Service Director Smith advised I do believe that the Mayor shares that same thought. **LEAVE ON AGENDA.**

NEW BUSINESS: None.

CITIZEN'S COMMENTARY:

Councilman Bring stated this is for David and you guys and this is just a proposal and I want you to think about this. We have had some situations in this city where we have had a number of calls to residents and the Police have to constantly go over to certain houses and it has become kind of a nuisance. Where we have actually had probably maybe 15 phone calls for the Police to come over and take care of a situation where the residents are out of hand. But the residents in this situation and in some of the others actually don't own the home. They are actually leasing/renting the home so this would actually affect the landlord and I actually spoke with the Police Chief where I proposed that maybe we create some type of a nuisance ordinance where if they get X amount of calls to the same house for these nuisance/disturbance calls and the Police get called out and get called out and get called out where we can maybe give a notification to the landlord stating that if the situation isn't rectified that the owner will be fined in some manner to possibly start an eviction process to remove those people because I think that right now our hands are tied and the Police hands are tied and I don't believe we have anything on the books. This is just something that I want you guys to think about and we can discuss this and then David can maybe look into that to. I think there is other cities, I have looked a little bit into it that have something like that on their books but I think right now our Police are very frustrated and the people that live on these streets are very frustrated and there needs to be something done and I think this is just a way of doing it. If we can't get the people out of there one way then we can penalize the landlord and if he is not making any money he gets fined. This is just something that I have been thinking about. Councilwoman Huska stated I know a city that does that already. I know of one city that does that already, they notify the landlord. Chairman Elliott asked which city, I was just wondering so that we could possibly look at what they have got. Do you know which city it was? Councilwoman Huska answered I thought it was Avon or Avon Lake. Law Director Graves advised I am familiar with the situations and both Dennis and Leana have rental properties in their wards and I did send a letter to that landlord advising them that the police have been called to these rental properties – since January of this year they have been out there 17 times. It is interesting because it is the same extended family renting both houses from the same landlord that has rented these 2 houses to this extended family and the Police are always out there. It is a range of disturbances from just domestic calls, noise

disturbances – just general disturbing the peace; things like that. I wrote a letter to the landlord and I have not gotten a response but I did advise them that the city takes this matter very seriously and your co-operation in trying to rectify the situation would be greatly appreciated but I haven't had any response to that. I think that it is at least looking into whether we could, we already cite absentee landlords for property maintenance code violations. This would be taking it one step further and saying you are the landlord and you are renting to tenants that are creating a nuisance that you could be cited for that type of a nuisance as well. I think it is definitely at least worth looking into. Chairman Elliott stated it sounds like a good idea to me because a lot of these landlords I think don't really even consider who they are allowing to rent their properties, all they are really concerned with is if these people are paying their monthly rent. Meanwhile these people are moving in and creating havoc in the neighborhood. My one concern is I really don't want to penalize somebody that has lived in the city that owns their own home that might be having reoccurring problem that needs to be dealt with. In other words, I don't want to give them reason not to call the police. Service Director Smith asked are we only talking renters? Chairman Elliott answered no I don't really think that we should, if we go this route that we should just talk about renters – I think we should talk everyone. Councilman Bring state the only thing is with the renter thing, at least you have a landlord – if you do a homeowner, I think it is a total different situation. I agree with you that there is some problems there but I think that is a total different situation. Actually in this instance a landlord is not even living in this city, he is bringing other people from areas and it is a problem. Law Director Graves stated I think you are talking about taking it one step removed from the person who is actually committing the offense. If you are a homeowner and you have potential criminal charges against that individual person, you know if you are creating a noise disturbance. Here you have got a landlord that is basically allowing that to take place by other people. Once they have had notice, once it has gone on long enough that you as a landlord need to take some responsibility for who you are renting your property to. I would think that if the city would do this that it should be limited to rentals. Councilman Bring stated I think for a homeowner – to get into their business and stuff; you know everybody has problems here and there but for them to go after that, I think we have our own laws and that is why we have a Law Director and a Police Department to take care of that kind of situation. This is just something different. Councilman Kovach asked how long ago did you send this letter to this landlord? Law Director Graves answered probably about 3 weeks ago. Councilman Kovach asked no response? Law Director Graves answered no. Councilman Kovach stated so this particular landlord doesn't care or there is nothing to scare this person into reacting. I mean I have had troubled tenants like that and I have gotten letters from the county and I responded to it like right away. Councilman Bring stated but also if you are going to do an eviction and if you have a letter from the city stating that there has been so many violations and you go to court with this then they have a

much better chance of evicting this person and that is kind of the thought process here too. They would have a basis for troubled people; violation or fines and takes that to court and they would look at that and say you people need to find another residence. Also I am not saying the Police get called out once or twice, this is obviously an on-going thing – it is a problem. Law Director Graves stated this case it has been 17 times since January 1 of this year. Chairman Elliott stated this probably going to be one of those joint instances where we should sit down with Safety too. **ADD TO AGENDA.**

ORDINANCES BEFORE COUNCIL:

1.) Council#36 – **THIRD READING** - an ordinance of the Council of the City of Sheffield Lake amending ordinance 01-96, section 1 regarding the rate of pay for part-time dispatchers in the City of Sheffield Lake’s Police Department, and the declaring of an emergency.

Chairman Elliott also reviewed legislation to be possibly added to Council’s agenda.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Huska to adjourn at 7:55 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 Ordinance for October 7, 2010.

CHAIRMAN OF COMMITTEE

Eric S Elliott

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso