

Minutes of the Ordinance Committee Meeting  
**Sheffield Lake, Ohio**  
January 5, 2012

The regular meeting of the Ordinance Committee was held Thursday, January 5, 2012. Chairman Eric Elliott called the meeting to order at 7:25 PM.

**ROLL CALL OF MEMBERS:**

Present: Elliott, Kovach, Smith

Attending: Councilwoman Belaska, Councilman McCullough, Service Director Smith

**READING OF THE MINUTES:**\*Motion by Kovach/Second by Smith to accept the minutes of the December 1, 2011 meeting with any corrections. Yeas All.

**PRESENTATIONS: None.**

**CORRESPONDENCE: None.**

**OLD BUSINESS:**

**Chapter 7** – Chairman Elliott advised this is something that the former Chairperson was discussing but it is attached. Councilman Kovach advised I believe that the Law Director actually had some concerns with our ordinance on the area of abortions. But without him here to actually see what he would like to see done with this.

**Chapter 1383; accessory buildings** – Councilman Kovach explained we have been discussing this for the last couple of months as we are limited to just having technically 1 accessory building and we are discussing as to what really is an accessory building; such as if somebody were to put a small pavilion or gazebo – is that really an accessory building as opposed to a shed. Service Director Smith advised you guys were going to define the structures that were considered accessory buildings, is that correct? Chairman Elliott advised I believe this whole thing was being forwarded to Planning Commission. There was a brief discussion on dated legislation in code to include accessory buildings/structures. Service Director Smith explained the accessory building came up through our Building Department and the reason being we had several people who were requesting to have multiple buildings. We had the accessory building issue with Kolleda on the lakefront, we had undefined areas and then we had several ordinances that were conflicting with each other concerning an accessory building. So when that was brought to light in the discussions of the Ordinance Committee, just for the sake information wise – structures were brought up such as arches and pavilions and carports and all these things that are readily accessible to purchase from Lowe's or Home Depot today that weren't even invented or used back 15 years ago when the

codes were put together. I think that review from going from that discussion of just accessory buildings, it went into a total review of what is an accessory building or an accessory structure and does Council want to define it. Council McCullough stated actually you got 1, 2, 3, 4 people sitting here who know that there is land in this city that there is actually 2 lots and there is a very gray area and they have more than 1 accessory building for their entire living space but they own 2 lots. My house that I could legally put up another garage if I want to on my front lawn because it is a separate lot. Service Director Smith stated we do have some codes that state that you can't have a garage without a primary building, so you have to have a primary building before you can have an accessory. Then you have got houses that do have 2, we do have some properties in the city that aren't homes – they are just a garage on a lot and it has been that way. Chairman Elliott asked how long has this ordinance been on the books as far as you had to have a primary building? Service Director Smith answered that recently came up because we have a demolition, a gentleman wanted to leave the garage that was attached to the home and demo the home part and leave the attached garage and you can't do that. I also had another situation where I had a resident who wanted to purchase property because it had a garage on it and it was somebody else's lot but it had a garage on it and he wanted to purchase that property so that he could use that garage. He came to the city before he purchase the property to ask and that is why I know David reviewed it and said no you got to have a primary residence. I dig that one out and bring it back to you, I don't know it off the top of my head Kerry. Councilman McCullough asked is that per buildable lot or per ownership? Service Director Smith answered I think it is talking a secondary building, it is in the definition as a secondary building. Councilwoman Belaska stated they had 2 ordinances where they were conflicting each other, I think it was like 1138 and then 1133 or something like that – I am just throwing this off the top of my head. There was 2 ordinances were that word shed came into play and they are trying to eliminate that word. I remember that was being discussed. Councilman McCullough stated why don't you make the accessory building a non-specific building and start from there and then like if somebody has a pool house – it is really not an accessory building as long as they are not storing anything in there other than like a changing room/pool stuff. But an accessory building can be a non-specific use and then any specific use building and then any specific use building such as a carport or a gazebo. Chairman Elliott advised I think where the problem came in was there was actually multi-use structures; that some garages were built with picnic areas attached, awnings and that kind of stuff. So it was actually a multi-use structure and that is where we came to the barriers of how do you define those type of structures – it is a recreational use or for storage use. My whole point about this before was and instead of getting into a long drawn out definition that there should just be 2 definitions which is as basic as you get – keep it simple, it is either recreational or it is a storage use. I wanted to do away with the entire

definition of shed, I hated the definition of shed because it is too basic. There is different sizes of sheds, it is either a storage area or a recreational area and the last committee kind of shot that down. Service Director Smith added I do believe too that you also addressed – we took a poll of the committee as far as whether or not you wanted to be more restrictive with its use of accessory buildings or less restrictive giving the residents more and I believe that the general consensus was to give the residents more opportunities to do more things on their own property. Councilman McCullough stated but on the flip side of it we are making sure that somebody don't have 15 metal sheds on their property. Chairman Elliott advised that was the other thing is that we were talking about actual lot size. Is it really fair to regulate somebody that has a bigger lot compared to somebody that has a smaller lot and then keep those people on the same restrictions. Service Director Smith stated instead of tying it to square footage you are saying you are allowed 2 accessory buildings. Chairman Elliott stated that is where we got into the square footage which I can't stand. Councilman McCullough stated I can tell you this when you apply for a building permit you put specifically what you are adding, the Building Inspector is supposed to forward those to the county recorder which they do and that is supposed to go on your taxes. So the more buildings they put up the more money their house is supposedly worth which means the more taxes we can collect but I would hate shanty town. Service Director Smith advised we also had people who were talking about gazebos, they are a big thing now. Then pool areas; we brought up a lot of these recycled plastic and vinyl structures now that you can buy for your patio. Fire pits; I had another issue where we had a resident on Cove Beach that built a stone fire pit – it is beautiful, it is all stone and it has a stack on it with a hood and the stack runs up like 12 feet into the air and it is brick. The hood sucks and blows it up and all the residents were complaining around the house because “how come the city allowed them to build this” but it was in the prints and was approved within the prints of the home. It didn't turn out to be anything wrong but it was kind of like undefined, whereas if there was more guidance within the ordinance it would have been able to nip it in the bud. Still they were allowed to do it and it wasn't illegal, there was nothing wrong with it but it did create a conflict there for a while. Councilman McCullough stated this is the part I am having a little trouble with, I am going to say this as a citizen and then as a Councilperson to. The part I am having trouble with is I see what you are seeing, keep it simple because let's not be a big governing thing. Chairman Elliott stated my deal behind that was for any resident to be able to pick the ordinance up and be able to read it the first time and know exactly what it was saying instead of saying what percentage kind of thing. Something that somebody can read and say I know what the city wants now, instead of saying can you define this a little better/what is this trying to tell me. Councilman McCullough stated in the same respect I don't want somebody behind me to put 3 other buildings. I would like to see, when it comes down to this that whatever you do with this I would like to see something in the

ordinance where they are putting a real dollar value because you can say it is going to cost me \$100.00 to put it up. What value does that add to that home so when it goes over to the county auditor, the right amount of tax is being charged. I can say I bought \$500.00 worth of lumber and I am putting up an outbuilding and it is going to be 15 X 15 then all of a sudden I am pouring concrete and conduit underneath and I got electrical – that building is not worth \$500.00, that building is probably worth \$5000.00. Are we collecting the right amount of tax for what we are putting up? Chairman Elliott stated would that be our issue or a county issue? Service Director Smith advised currently the building estimated at value is finished value I believe, once it is done. Councilman McCullough stated I think it says costs on it because I have done so many things lately.

**NEW BUSINESS:**

**Hoarding** – Chairman Elliott advised everyone should have received the packet including the new members which I know did but this is really being discussed as a Committee of the Whole under Worksession.

Councilwoman Belaska asked I was reading the minutes from last year, what happened with the Charter – they were trying to get 9 people? Chairman Elliott answered that was put off till this year because as of last year they weren't going to be able to have it done before the dead line at the end of the year but I do think they wanted to get that done this year. However be prepared as every Council member has to recommend a person for the Board. You are going to have to probably bring somebody forward to be able to sit on that Board and it is probably going to be for several discussions. Also review Charter and be prepared to recommend any changes that you may feel necessary. **REFER TO**

**WORKSESSION.**

Councilman McCullough stated we have to do something about these kids and cell phones; texting and sitting at stop signs, driving all over the place. Election day we had 2 accidents right in front of the Civic Center and both of them had cell phones in their hands texting. We got to do something, you guys got to look into at Ordinance. I will fully support it; something where it is hands free, 18 and under aren't even allowed to be on a cell phone if they are operating a vehicle. It is going to come that way sooner or later from the state anyways. Councilman McCullough stated actually the National Transportation Safety Board who is suggesting and that is all the farther that is. There is money from State Farm for the signs if we pass an ordinance, it is not going to cost us money for signs. Councilman Smith stated nobody should be texting while driving, kids or nobody. Chairman Elliott stated correct me if I am wrong but this was actually brought in front of this committee back when you were Chairman, as far as cell phones and texting? Councilman Smith answered cell phones did but I don't think texting did but cell phones did. Councilman McCullough stated old Brooklyn has a law. Chairman Elliott stated I think that as far as texting goes it is a very good idea. Councilman Smith stated cell phones, people have hands free but the texting part of it – I have tried it and it

doesn't work. Chairman Elliott concurred I did it one time for all of 2 minutes and I said this is driving me completely batty. It is not a good idea and anybody that thinks they can is fooling themselves. The problem as far as that goes is enforcement, how do you prove it? Councilwoman Belaska stated it is a time stamp, there is a log on that. I mean Verizon has got a log on it or whoever, especially if they hurt somebody. Chairman Elliott stated I think it is worth pursuing because all the stats that I have seen say that a person actually on their cell phone is worse than a drunk driver in a lot of aspects because your concentration is taken away. Councilman McCullough stated a 16 year old girl the last message she got from her Mom was love you – crash. Chairman Elliott advised that Vermilion accident where it killed the entire family – that was all because of texting. Councilwoman Belaska advised one in Wellington too. Councilman McCullough asked is there going to be federal mandate probably sooner or later? Chairman Elliott answered probably but I don't know when that is going to come into effect. Councilman Smith advised it would be a good idea to put it on the books but whether or not people are going to abide by it is a whole different story. Councilman McCullough stated here is the other thing too, if we look into it and say under 18 – nothing, you can't even be on a cell phone; not even hands free and then 18 and over; hands free. I am not saying so much as the enforcement of it; it is kind of like 35 mph – do they enforce 35 no, they give you 40. The fact is though if they see the signs up that it is illegal, they at least think and put it down. Councilwoman Belaska concurred you put a visual out there, like no littering – I used to get junk always thrown in my front yard. That sign was put out there and I hardly get anything thrown in my front yard anymore. I think if you see something and visually say, if State Farm would do that – we would have to find out. Chairman Elliott stated we would have to pass the ordinance first. Service Director Smith advised I think the texting is a good issue, I think it is hard to teach an old dog new tricks. Kerry is right with the youth, there is a lot of parents that talk on the phone and I think you might create a rebellion of outlawing talking without just hands free. Chairman Elliott stated I am having a problem with this, regardless if we put a law on the books – am I going to follow it. There was a brief discussion about the enforcement of the proposal. **REFER TO SAFETY AND LAW**

**DIRECTOR. ADD TO THE AGENDA.**

*Ordinances before Council at this time:*

Council#

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this committee,

\*Motion by Kovach/Second by Smith to adjourn at 7:58 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.

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**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 January 5, 2012.*

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**CHAIRPERSON OF COMMITTEE**

***Eric S Elliott***

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**COUNCIL PRESIDENT**

***Edward R Podmanik***

***and/or***

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**COUNCIL PRO TEM**

***Richard Rosso***