

Minutes of the Ordinance Committee Meeting
Sheffield Lake, Ohio
February 5, 2009

The regular meeting of the Ordinance Committee was held Thursday, February 5, 2009. Chairman Eric S Elliott called the meeting to order at 7:23 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Bring, Huska

READING OF THE MINUTES: *Motion by Bring to approve the minutes of the December 4, 2008 meeting with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Ordinance Review –

111.03b bids and contracts – at Council, leave on.

169.01 full-time bargaining bond dollar amount; revision – leave on.

169.26 negotiating committee/ORC 4117 – leave on.

Recommendations from Planning Commission – leave on.

Golf carts 375.02b – *Motion by Elliott to **REMOVE**. Yeas All.

Intersection markings/signs – Chairman Elliott advised those are actually up and thanked Service Director Arendt. **REMOVE**.

Elongated street – no parking – Chairman Elliott advised that is also up – **REMOVE**.

Change code for mowing to include notification of costs to owners – leave on.

NEW BUSINESS:

Firearms – Chairman Elliott advised I think we should support our city businesses and should consider modifying this. Erie Shore Outfitters is a sporting good store. Mrs. Huska advised I am against guns but I heard they are not going to store them there. Mr. Bring advised that is federally regulated and they have to fill out all kinds of papers. The serial numbers and all that, if they slip up in any way they will get their license revoked. They are very strict, strict on that. After a brief discussion, Chairman Elliott referred to Worksession for discussion. Committee directed Law Director to draw up an ordinance.

Sewer credits; update code to include – Chairman Elliott advised an issue was brought up by Dave Graves (Law Director) about there is nothing in the current ordinances that states or defines what a sewer credit is and that has been referred to us. I guess we can discuss it or we can have Dave add that to the current code as

far as sewer credits, sewer credits right now have just been past practice. I don't even know if other cities do it? Mrs. Huska answered yes they do, they all do. Chairman Elliott stated but I think it is fair. Mr. Bring stated if we don't get charged for it, we shouldn't charge them. Chairman Elliott stated we can hold that until Dave comes back.

Parking citations; increases – Chairman Elliott advised the Magistrate has requested increasing the fine for a ticket to \$15.00 over the current \$5.00 which I think is way low and after 24 hours if the car is still there, they can actually cite him again and that will actually be a \$20.00 fee instead of a \$10. Mrs. Huska asked is this just for parking? Chairman Elliott answered yes, right now this will just be parking. He continued after 48, they are requesting a fee of \$35.00 versus \$25.00. This is basically still lower than our neighboring jurisdictions. If you were to ask me what my opinion is, I think we need to up this fee. It is just like I was talking to Kay earlier, it is not so much that we want the money from the parking – we want you to curb your behavior and change it. Mr. Bring advised we had this discussion yesterday at Safety about having the snow ban. It is like the Police said sometimes people go away for business say for 40 hours or whatever. That would be the only thing like if somebody went away and came back. I mean obviously if they left and it was nice out, I mean if they legally park then they legally. But if they went away and something happened and then they got ticketed and then got ticketed even more because it was 24 hours – if they back and proved that they were out of town, we would revert back. Chairman Elliott advised that would be completely up to the Magistrate. I don't think we would even have any say in that matter, if the Magistrate wanted to at that point go ahead and charge him the lower fee then that would be up to him. Mr. Bring stated you could always rewrite that and say 48 hours unless you have proof. Chairman Elliott advised I don't think you want to open that can of worms because then you are going to have everybody in here saying well I had a reason and this is the reason. Mr. Bring stated still the fees are low and I agree. Chairman Elliott advised at that point I think you need to trust your Magistrate and let him make the decision. Mrs. Huska stated I think it is well overdue and North Ridgeville is really high on everything. Chairman Elliott advised we will be discussing other things where I think we need to adjust the fines and fees. I think we are way behind on some of these where they need to be adjusted to the current inflation. We will have Dave write an ordinance and we will refer this straight to Council.

Snow Ban – Chairman Elliott stated there has been a concern brought up. Mr. Bring stated I brought it but what actually determines or who declares a snow emergency or snow ban? According to the Police it has to be the Service Director and I said how do you tell the residents that it is a snow ban. He (the police) said we used to do it by Cablevision and I said you can't do that anymore, so how do you notify. I asked should it be an automatic if there is 2 inches of snow that it automatically goes into affect. It shouldn't have to be determined by someone to

say to do it, it should be an automatic thing like if it snows and you got 2 inches of snow it should automatically go into affect – there is a snow ban and they shouldn't park on the streets. That is just my opinion. Chairman Elliott advised I know some cities do this – forecasting, if you are forecasted for an extreme amount they will go ahead the snow emergency to get the cars off the street. Mr. Bring advised we have the signs up, the signs are up declaring it a snow ban for X amount of snow. Like I said to me I don't see why the Safety/Service Director has to actually make a call saying that we are now into a snow ban. Chairman Elliott asked who would determine that, if it is like an inch and a half. Mr. Bring advised the Police Department. Chairman Elliott concurred that is what I think is the Police Department should make the call. At least if you would want to keep the Safety Director in the loop just say have the police advise the Safety Director that the snow ban has been placed into affect. Mrs. Huska advised this is a small town, the residents should know that when it is 2 inches don't park on the street, period. Chairman Elliott stated I know past practice what the police department has done is that when a snow ban goes into affect, they will actually start driving the streets and pull up behind a car and turn his overheads on and tap his siren to let the guy know – snow ban, get the car off the street. Mr. Bring stated it is like we want to go around ticketing everything but we need to get the streets open so these guys can plow. Chairman Elliott stated it should be kept in mind too that we have had incidents with snowplows where a plow has actually gone off the street into a ditch because of parked cars. Mrs. Huska advised I think residents should know that it is an automatic. Maybe put it in the Avon Lake Press that from now on it is 2 inches or more it is a snow ban. After a brief discussion, refer to Dave for Worksession. Committee discussed including that the Safety Director can enforce a parking ban anytime.

Prohibiting dogs being restrained in front yards and possible violation increase – Chairman Elliott stated I have noticed in my ward anyway, I can't speak for the other wards but I have noticed in my ward that there is an increase of dog-at-large complaints and I am hearing this from more then one resident that basically that even when the police do find the dog owner, they will come to court and pay the fine and then turn around a week later and that same dog is out again. I was going to ask for an increase to that fine strictly because like I said earlier, it is not so much to collect the fine, it is to curb the behavior. If their not a responsible dog owner, I think we need to come down on the owner. Mrs. Huska asked is this a dog just running? Chairman Elliott advised I can tell you on my street and I have never called, there is the same dog running up and down the street all the time. After a while, you just get tired of it. Mr. Bring advised if it is a male dog, it is out gallivanting. Mrs. Huska asked it is the same dog? Chairman Elliott answered it is same dog, it is not regular – every once in a while, I will get a call. I have got a call from Belle, Knickerbocker and I think somebody on Ivanhoe called me and I think it is the same dog; over and over and over again. To the point that it is a

nuisance. Mrs. Huska asked once a week, once every 2 weeks? Chairman Elliott answered I got a call on Belle the other day that says it is almost daily. Something else that I wanted to bring up here too is there is also a couple houses to where they are making it a common practice to keep their dog in the front; basically tied to a tree and I think this is dangerous on a couple of counts. First of all, you got a mailman delivering mail, you got people walking up and down the street, you couldn't possibly have a police officer respond to that house for an emergency or the fire department. I don't think it is wise to keep and harbor a dog in your front yard. Basically what I am asking here is to enact an ordinance that basically states that you cannot keep your dog in a front yard unattended or we can even change the leash law to state that any time the dog is in the front that it has to be on a leash. I think that the dog has to be attended. Mrs. Huska stated our dog is out and potty's in the front and then comes back in. Mr. Bring stated mine does the same thing. Chairman Elliott referenced Lorain where dogs are tied up in the front to warn away people from a home but even when it is not I think that keeping a dog out front is dangerous. I realize that not every dog is mean but at the same time you don't know how your dog is going to react when a stranger comes to the door for whatever reason. Whether it be a police officer or a mailman or just somebody walking down the street. I think it is dangerous and I am basically asking you what your opinion is. Mrs. Huska stated I don't want a dog tied in the front but I wouldn't make them have a leash. Chairman Elliott stated well any time a dog is out it has to have some type of restraint device. Mrs. Huska stated mine does not. Chairman Elliott stated well if you are walking it down the street you got to have it on a leash. Mrs. Huska stated we don't because she is in our own yard. I am for it but I am not sure I am for the leash when they are in the front yard. Mr. Bring advised a lot of people have their dog chained to the post and they put it out there to let it go to the bathroom or whatever and then they bring it back in because in the backyard they will have something else or whatever, this is a tough one. Chairman Elliott advised this type of situation is for people that chain their dogs to the front tree and leave them there. Mr. Bring concurred that makes sense. After a brief discussion, refer to Worksession.

CITIZEN'S COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee, Motion by Bring to adjourn at 8:08 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 February 5, 2008.

CHAIRMAN OF COMMITTEE

Eric Elliott

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso