

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

The regular meeting of the Ordinance Committee was held Thursday, March 5, 2009. Chairman Eric S Elliott called the meeting to order at 7:24 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Bring, Huska

Attending: Zoning; Ebenschweller, Planning; Belaska

READING OF THE MINUTES: *Motion by Bring to approve the minutes of the February 5, 2008 meeting with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Ordinance Review –

111.03b bids and contracts – **REMOVE.**

169.01 full-time bargaining bond dollar amount; revision – Law Director is still working on.

169.26 negotiating committee/ORC 4117 – **REMOVE.**

Recommendations from Planning Commission – Mrs. Huska advised it will be the next Planning Commission when the Law Director can come and we are going to start on the other half.

Change code for mowing to include notification of costs to owners – **REMOVE.**

NEW BUSINESS:

Firearms – **REMOVE.**

Sewer credits; authorize Roads & Drains Committee to handle – Chairman Elliott advised we discussed it shortly I think last week, I don't think anybody was opposed to that. However, we just need Dave to write something up, so that pretty much the only thing holding that up – correct? Is that alright with everybody else – a draft for Worksession where we can discuss under there?

Parking citations; increases – leave on.

Snow Ban – **REMOVE.**

Prohibiting dogs being restrained in front yards and possible violation increase – Mrs. Huska stated I know where you are coming from with the dogs tied in the front but like years ago I tied my dog in the back and it doesn't matter front or back. Chairman Elliott stated I think it does actually I think for somebody walking down the street. Mrs. Huska stated we had people that were selling the house in

front of us and they came down our driveway to the lake and told me to keep my dog quiet because they were showing the house in front of us. So I know where you are coming from but I am not sure about this and then if the dog gets off a leash. Chairman Elliott stated to update you, I have been getting calls in my ward about dogs being left unattended in the front yard. Mrs. Belaska advised we get it in our ward too. Chairman Elliott advised I have thought it and I thought well given some of these dogs are known to bite people and kids running up and down the sidewalk and maybe a ball might roll into the yard or something or if a police officer has to respond to that house or a mailman, gas meter guy, our own water department. I thought well I don't see why a dog should be left in the front yard unattended. Mrs. Belaska stated they had an incident in ward 4 at a residence they thought with a part pit bull. The dogs were tied off to the gas meter, the police did have to approach because they weren't sure if that dog was the dog from Avon Lake – if this was the pit bull and someone had brought the dog over. Well it is a form of a pit bull but it is not a pit bull. But 2 police officers had to go to that residence, they were intimidated by that dog. That dog, somebody in our ward also made a complaint and they had followed up – it was in those police blotters, that 2 different dogs came across the street at that individual. We are talking about Lake Road, now you had the Mayors Father walking down there, you got the one guy who is a police officer in North Ridgeville – he walks. You got lots of people out there walking up and down and that one dog is very intimidating dog and has gotten off its leash. She advised so that incident is not only in your ward, it was also in our ward and there is I believe some police record on that. Chairman Elliott advised what else bothers me is this particular dog is said to have slipped its leash and has been running the neighborhood. Now it has happened more than one time and it is actually getting to be a nuisance. Mrs. Belaska stated it is intimidating if a dog comes up on you, I don't care - it is very intimidating and you have a child with all the incidents we are hearing about. If it happened to a old lady it would give her a heart attack. It is something to talk about, now whether it can be tied up in the front yard or not – I don't know. Chairman Elliott stated I just think that somebody should be able to walk down the sidewalk in peace for crying out loud, if you are going for an evening walk and maybe you even have a dog or maybe you got a dog on a leash. I am just saying unattended. Mrs. Huska asked unattended? Chairman Elliott answered unattended, in other words if you are up front with the dog and it is tethered then there should be no problem but if you go inside the house you should take the dog with you because especially given the property styles we have here, mostly smaller yards and in neighborhoods. Mr. Bring asked what does that come under dog at large? Chairman Elliott answered it is a dog at large but I also believe in preventing a problem if we can. Mr. Bring stated they are still going to have to see the dog out there, so if the dog is running loose. I mean the police still have to come to see it, so irregardless. Chairman Elliott stated yes irregardless the dog is going to be out but however if you get

called that the owner is having a heart attack or something and then what? Mr. Bring stated well could have had a heart attack and had it on a leash and you are still going to run into the same situation. Chairman Elliott stated yes but at least you are going to have traffic in the front yard without having to deal with that dog because in this case that dog would out in the front yard and they wouldn't even be able to get to the owner until they dealt with that dog. If it is in the house, there is ways that they can distract a dog and get it into another room or something and get the door closed. Mrs. Huska stated yes with treats. Mr. Bring advised since it is not summer time yet, I can't remember last summer. Chairman Elliott advised I haven't seen it on my street but I have seen it on other streets. Mrs. Huska asked that dog at large that keeps slipping its leash, is that a german shepherd? Chairman Elliott answered I don't know what kind it is. Mr. Bring stated if the neighbors keep seeing it then they need to call the police and get that taken care of. Chairman Elliott stated this person has told me that they have called the police several times and the police keep giving this person tickets and this person keeps coming in here and paying the tickets. Mr. Bring stated we are going to have to show that to David and see if he can after a certain time maybe increase the fines. Chairman Elliott stated that is why I also have on there the possible increase of fines. Mr. Bring stated everything you say makes total common sense to me but I still think it falls under common sense if you leave your dog out there and it does go after somebody then the police need to take care of that matter. Even if you put a ordinance on there, the police are still going to end up with the same situation so whether that ordinance is in there or not. Chairman Elliott stated this way at least if the police are going down the street and they get a call from a parent down the street that says that dog snapped at my kids several times just walking down the sidewalk – now they have an avenue and can cite that person for that dog basically being in the front yard unattended and correct the problem. Mr. Bring stated in my mind this would just be overlapping the dog at large and everything else. After a brief discussion, LEAVE ON AGENDA. Mr. Bring advised would like to go through neighborhoods when weather warms up. Mr. Bring advised ordinance number 62-95 passed 6-13-95, deposition of service weapon which Mr. Bring read. *Motion by Bring to have the Law Director draw up the legislation for repeal for the next Council meeting. ROLL CALL: Yeas – Bring, Huska/Nays – Elliott.

CITIZEN'S COMMENTARY:

Bob Ebenschweller asked is there a possibility of going back to treating private snow-plowers like a contractor – to be registered with the Building Inspector. Mr. Bring advised that is probably not a bad idea. Chairman Elliott stated that way we could actually hand them what the local ordinances are and say hey now you are responsible for following these and if you violate them then we are going to write you up. Mr. Ebenschweller stated then you can stick it in your window showing that

they are allowed to do it because I remember that years ago they had to register at the Police Department so that they could be called on in case of an emergency. Mrs. Belaska stated what is a better idea, charge them a fee. This city needs money, why don't we charge anybody that comes into this city – even if it is a \$5.00 fee to register with the City of Sheffield Lake. Chairman Elliott asked wasn't there a fatal accident, not in Sheffield Lake but in the county some place where a private snow plow actually pushed snow out into the road. Mrs. Belaska stated some woman was found in the snow. Chairman Elliott stated they hit that pile in the middle of the road and went off the road and hit a tree or something and I think it killed somebody. Mrs. Belaska stated one of them plowed some woman, somebody got plowed under – I forget when that happened. Chairman Elliott stated we will run it by David and we will talk about it under Worksession too. Mr. Ebenschweller stated the other thing that I brought up before too, I am kind of disappointed that when we do a massive job like on Cove Beach project that they did and Ferndale project – they did a complete job but this Walker I and II, I brought it up about driveway aprons that weren't finished. So now you have got gravel going into the street which is a hazard in the bike lane and not only that but it washes down into our storm sewers and will cause a possible maintenance headache sending the guys out there and cleaning them out or sending the street sweeper over there every other day or something like that. When it probably would have been less expensive whether you assess the people and put it on to their taxes and they pay for it over 20 years tax free – it is only going to cost them a couple of dollars each half and it would look a lot neater plus we avoid possible maintenance problems. Mr. Bring answered actually I asked about that when the one project was being done they told me they were going to put the driveway apron back in as per your driveway – if it was an asphalt driveway then it would be put back in asphalt and if it is concrete then it was concrete and if it was gravel then gravel was laid back. Mr. Ebenschweller stated it doesn't have to be that way. Mr. Bring answered no and then I asked but that was the way it was bid out. Now if you do change the bid stating that the apron is going to be a hard surface then that can be done but that has to go through the bidding process. Mr. Ebenschweller stated as we proceed on Walker Road I would like to see that done. Mr. Bring stated that is something we are going to have to bring up to the Service Director and tell him. That would have to be through the bid though. Mr. Ebenschweller stated I had the choice on my driveway of putting back what was there which was asphalt or concrete and I said well everything is going to be concrete then I will go with the concrete so it costs me a little bit more. The only gripe I had, everybody got the apron put in from the sidewalk out to the driveway and they had a set angle they went on. Mine – they said I'm 3 feet, we will cut it off and they went from there at an angle and now I have about 4 feet less wide of a driveway to get in then my neighbors do. It kind of ticked me off a little bit but I didn't say anything about it. Mrs. Belaska stated I have ran rollers and that and did roads and they do that. They give you a choice, actually they ask the residents when

they come down that street there and they are doing a new street and all they will ask you what do you want as far as an apron and if you're going to pour concrete then they are going to charge you more for that concrete. Mr. Bring stated but it has to be in the bid though, otherwise the city will get charged for it and that is why some of that wasn't done. There was a brief discussion on the bid process and previous projects – REFER TO ROADS AND DRAINS.

Debbie Belaska stated I wanted to thank Dennis and Diane for assisting me on something. It came to our attention that people are parking on the grass on the weekends and Building Inspectors are not here. I have been told different things that we are not sure, is the vehicle allowed to be parked on the grass – that is the first question? Chairman Elliott answered no that is under city ordinance. Mrs. Belaska asked do the police cite them on the weekends when the Building Inspectors are off? Chairman Elliott answered I don't think so, I don't think they can I think that is under buildings. Mrs. Belaska stated it is 1173.02, materials for drives, approaches, etc. Mr. Bring stated I don't know why they can't. Mr. Bring reviewed code. Chairman Elliott advised as far as I know the Building Inspector has cited people for it. But your whole point is the Police should be able to enforce it. Mrs. Belaska stated I have been told on the weekends that when things occur, when the Building Inspectors are not here but when you get a citation – it is called a correction notice from the Building Department it says cease parking on lawn. So actually a copy of this, cease parking on lawn so we know that it is an ordinance but who enforces it when it is on a weekend. Chairman Elliott stated I am going to see if they have in the past and see if they can in his opinion. If he says he can't then I will talk to the Law Director and the Law Director can give an opinion oh yes they can and this is why. Then I will say then notify the Police and then I will call the Chief again and hey you need to start citing this. Mrs. Belaska stated I spoke to the Law Director and I spoke to the OIC and it seems like there is not a memo across the board – it is like one person will tell you something and it seems like we have a discrepancy and if we have a memo across the board and everybody is on the same page with that then we would know. Chairman Elliott stated that is why I like to talk to the Chief because the Chief can have it read in roll call and he can just make it a department standard, when you see this; write it – period. But to me there is a question on whether they can or not so I am going to call the Chief say hey can you cite for people parking on grass and once he answers that then I will say have you ever? Then if he says yes we have then I will say listen we are getting complaints, start writing. Mr. Bring stated I have a similar situation because on Madison there is a truck that is parked there which is a big box truck which is a commercial truck and they go there. They move it during the day and they go over there and I keep telling them it is there but they were actually repairing it and everything else in the middle of the street which they have oil and everything else out there and they ticket him for the snow ban but he is right back out there again which the thing shouldn't even be parked in the street. Mrs. Belaska asked how much time and when I spoke to

Wendy and Jon you get 30 days on something and then say they do it again, they move it, they move it, they move it – how many times does somebody have to be told of the same situation? You know like you are saying about the dogs at large, we need to set some type of agreement across the board again that if you get a correction notice 3 times on the same issue then now it is time to cite and get some money back in this city because these people have been warned enough. This going back and the paperwork and sending our Building Department back to the same residents over and over again with the same situation, at what point are we paying these people that could be doing other things for our city and we need to move on from that and if these people are ticketing hurt a little bit in their pockets but at what point do we set from corrections to a citation. Chairman Elliott stated personally in my own opinion, you get one warning and after that you get cited but my whole thing is I have also heard that in some cases the fines are so cheap that we say I will just leave it out there and let them cite me and I will go to court and pay the fine – no big deal. Now in a perfect world on a street, you call the tow company and say hey come get this car, we are sick of giving this guy a citation and now we are going to tow it. There was a brief discussion on towing costs. Mrs. Belaska asked when they are coming through the grass, they have a driveway here and they are coming up through on the sidewalk. They are driving through ripping up the yard and of course that is the property maintenance code but isn't that almost like once again nobody can, when you are driving down the road – nobody can go around you yet this person is coming on a sidewalk. They are tearing up the concrete and once again it is a property maintenance code. There was a brief discussion on charges for driving over a sidewalk. Chairman Elliott advised I will call the Chief and we will add this to our agenda. Mrs. Belaska asked remove dead tree branches, when the branches and you know you are going to use debris for a fire pit or whatever and I know it says on the correction notice of the Building Department that it is actually listed here – remove dead branches, the piles. I am being told otherwise that the individuals want to keep it for a fire, are they supposed to be in a container? I was told one time they got to get it cleaned up and now it doesn't need to be cleaned up, so what exactly is that on that debris? This ordinance is 541.06, the destruction of shrubs, trees and crops and it says it is a 4th degree misdemeanor which Mrs. Belaska read and asked is that a civil or is that a police action? Chairman Elliott answered criminal trespass and that is a police. Mr. Bring answered you would have to get an attorney and press charges. There was a brief discussion on issue and Chairman Elliott advised it is a police matter unless the police don't press charges and then it is a civil matter. Mrs. Belaska asked on the littering law 557.38 which she read and asked does this also apply to vehicles driving down the street and people throwing stuff out their windows? Chairman Elliott answered yes that is littering. Mrs. Belaska asked if somebody is littering on your property and it has been an ongoing deal, now it is coming from the windows as they drive by – how do you prove it. I guess you see it, so it would be his or her say. Chairman Elliott

advised for any traffic offense or for any non-violent misdemeanor – the police have to see it, the police have to see it. Now that is not by our code, that is by state and federal code – the police have to see a non-violent misdemeanor or a traffic offense. Mrs. Belaska asked what happens if you caught somebody littering, actually they are driving by and this has been an ongoing thing – this is a continuous thing, can you legally video them and bring it to the police station – would that hold up? Chairman Elliott answered in my opinion, it should hold up. However the best thing we could do with this matter is to forward it to Safety and let the Chief answer that. – REFER TO SAFETY. Mrs. Belaska asked what do we do when we have a constant nuisance of noise – slamming the doors. When the police cannot come to the house because they did not once again see this but it is occurring that people are in the garage for hours at a time, they are allowed to be in there – drink, party or whatever as long as they keep the noise down. Chairman Elliott asked are they being loud? Mrs. Belaska answered what is happening is when the lights go out, the doors people coming in and out. They have people coming, they don't go into their home to visit they go into their garage which is their home apparently and they do their visitations at all hours of the night. People are coming in at 9 o'clock, 11 o'clock and leaving at different hours. I don't know what goes on, don't want to know but what gets me is that the lights are out, the husband sleeps with ear plugs now and I wake up almost having an heart attack. How do we, when I go to the police and say you have to set up some type of nuisance – how do we control this? Chairman Elliott answered I believe that not too long ago, this Council passed a new noise citation that said that I think after 9 pm or actually any unnecessary noise at all can be fined. Mrs. Belaska stated I am told that the police cannot come to that house unless they hear that noise. Chairman Elliott advised you can call and complain and they can go and investigate. Mrs. Belaska answered yes but they are gone, people have scanners now. People are smarter then. Chairman Elliott asked you think these people have scanners. Mrs. Belaska answered I can't say who has scanners or not but it just seems to me when you call the police. People who do the wrong thing sometimes have scanners. I am not saying they do or they don't. Chairman Elliott asked do you see a pattern? Mrs. Belaska answered I have been seeing 2 years of patterns that don't fit right, I have seen things that are just not normal but who am I to say what is normal and what is not. There was a brief discussion on situation. Mrs. Belaska advised the people come in and out, it has gotten much better because I have put the pressure on the Building Department for this, I have to say because the people have moved out and there is now considered a family – a mother, a father and a child there. The parties do exist in the garage. Chairman Elliott asked every weekend? Mrs. Belaska answered this is 5 days a week. I have no issues with any problems before 9 o'clock – they can dance stark naked – I don't care but after 9 o'clock I want to be lying down. We have 2 tv's going, I have the front part of the house and the husband has got the back and when we shut off our lights and that in the evenings and the party still goes in next door and they are quiet – you cannot hear them in the garage, that

is not the issue. It is the revving of the engines when they are moving the cars, it is revving of the engines when they leave and the slamming of the doors. I did call the individuals (owners) father and I wanted to talk to him, I figure let's lay it on the table if we are going to go to battle I might as well go to battle with the worst person there and I have had where he says half of the Council thinks I am crazy and he says I know lots of people and he says I know people in the Building Department and also this is the same individual who has claimed that one of our Councilman stated that mediations was not necessary between the two of them. Chairman Elliott stated now I think he was misconstrued as I have talked to him about that and he says he was misconstrued when he said that. There was a brief discussion on neighborhood dispute board through Lorain Muni Court which I don't think they have ever done it. Chairman Elliott advised I would like to see something set up locally and handle things internally – there was a lengthy discussion on possible board and issues. Mrs. Belaska advised I just want to thank you, the city looks like it is really coming around. I see the fence, it looks like they are going to get another date there to get some bids, so hopefully we will get some really decent bids and save some money in our pockets and hopefully they do all the right things and the city really looks pretty. I am really proud of the Apples store, I think the Mayor and all of you came together on this. You all did a fantastic job, people are just praising and it is good because you are hearing a lot of positive, positive things now – it is not negative. Oh we got a pier but we don't have a store so there is a lot of positive good things here. Chairman Elliott stated I know this is really not the place to say this but if you guys can recall about a year ago, everything that is in motion right now was a pipe dream. I mean yes we thought that the boat launch was going to go in but actually it started but there was actually arguments on Council if it would actually affect anything. The thought of actually taking over the shopping center was a dream. Mrs. Huska stated it was my dream. Chairman Elliott continued it is something that we have all discussed, it was actually the best possible situation happening. Mrs. Belaska stated it is actually awesome, I mean it really is. This is just not talking about it anymore, this is awesome – this city is awesome. Chairman Elliott advised you got to give Apples a lot of credit because in a time where stores are actually closing; they actually decided to open one. Mrs. Belaska stated I sent him a thank you letter and sent the Mayor a thank you letter. I am so thankful that I can go to a grocery store, I am blessed.

MEETING ADJOURNED: With no further business before this committee, Motion by Bring to adjourn at 8:40 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 5, 2008.

CHAIRMAN OF COMMITTEE

Eric S Elliott

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso