

Minutes of the Ordinance Committee Meeting
Sheffield Lake, Ohio
February 3, 2011

The regular meeting of the Ordinance Committee was held Thursday, February 3, 2011. Chairman Eric S Elliott called the meeting to order at 7:27 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Kovach

Absent: Huska (excused)

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

READING OF THE MINUTES:*Motion by Kovach/Second by Elliott to accept the minutes of the January 6, 2011 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:

Internet Sweepstakes Cafes – Service Director Smith stated for the record the internet sweepstakes café; the third one will be opening tomorrow and she has completed her stuff in the old Pizza Hut building, her requirements 750.08. The last one or the fourth one that I have a partial application on, I haven't heard anything else for the record. After Coconut's opens up then I will have 3 operating within the city. Chairman Elliott asked so she will be opening very soon then? Service Director Smith answered tomorrow afternoon I believe. Law Director Graves advised Stifel's has opened up. Service Director Smith concurred Jason Stifel's has opened up and I will be over there tomorrow. Councilman Kovach advised I don't see any overcrowding at any of the sites either at this point. Chairman Elliott stated I drove by there yesterday and I believe Mr. Stifel had 1 or 2 vehicles. Service Director Smith stated I drove by there the other night and he had like 10 or 12 cars in his lot over the weekend, I think it was Saturday. It was just before the snow, let's put it that way. I don't know how things are going but I did hear of one thing and we will see how it works out. I heard that one owner

went to the other owners and they had argued. One of the sweepstakes café went to the other sweepstakes café and ended up getting into an argument with each other. Beyond that I don't know anything else, so if you hear anything let me know. Nothing that needs to be addressed but it is good to know if there is tension, there shouldn't be any.

Repeat nuisance calls –Chairman Elliott stated I believe that is up for its second reading.

1111.04 of code re: size of garage – Chairman Elliott advised up for third reading.

NEW BUSINESS:

Law Director Graves advised in regard to the repeat nuisance call ordinance, I just thought just to let you know the owner of the Tradewinds is a doctor and I think he lives in Sandusky and I think he is pretty much an absentee owner. He has a number of issues right now. We are for the first time cracking down on the annual licensing for rental properties and making sure that those units get inspected. Steve is saying, I think rightfully so that for these big multi-unit things to get your annual rental license we are going to inspect like a random sampling of 5 units. Then we are also going to be cracking down on the \$50.00 re-inspection for every time there is a change in occupancy and try and stay on top of that. Those issues as well as the repeat issues are objectionable to the owner of Tradewinds and he may be coming to various committee meetings or Council meetings to voice his opposition. Just to let you guys know that, be aware. Councilman Elliott advised I would encourage everyone of what we have discussed before I would encourage everyone to stick to their guns as far as that ordinance goes. This is an ordinance that we passed, the original ordinance that you are talking about inspections – I think we passed that what 6 or 7 years ago. Law Director Graves answered yes 2006 or something at least, it has been a while. You are talking about the annual licensing? Chairman Elliott answered yes. Service Director Smith asked Dave would you explain how it works? Chairman Elliott advised I do believe I remember, we go in and we inspect these units per ordinance once a year I believe. Law Director Graves advised it is an annual inspection for any rental facility/multi-family (2 or more units), single family rentals is bi-annually (every 2 years). But for these apartments multi-family – it is an annual license and the fee is based on the number of units. So like 2 to 10 would be one rate and then we have a few with more 100 – there is Erie Shore Landings and Mariners Circle. The annual licensing and the fee that is charged there is an inspection that is supposed to take place and for those multi-unit dwellings you are supposed to have a random sampling. For Erie Shore Landings, you say I will look at 5 units or something. The city needs to be doing something to justify charging a licensing fee and unfortunately I have learned that the prior Building Inspector was simply charging the fee. In fact in some cases allowing them to simply mail it in and not doing these inspections. Now our current Building Inspector is saying oh the ordinance says and I am going to come out and

do these inspections. A lot of these owners and managers of these apartment complexes are upset, saying the city has never done this before and the answer is well that is unfortunate but we are going to start doing it because that is how the ordinance is supposed to be enforced. The one is there is supposed to be an inspection every time there is a change in occupancy and you know every time there is a turn-over in an apartment the city is supposed to come in and it is \$50.00 and the city is supposed to inspect the unit. That has never been done and quite frankly it is difficult to keep on top of that but Steve is rattling some chains and saying I want to inspect these units and we need to stay on top of that. I will be perfectly honest with you we got a lot of problems with Tradewinds right now and I had a conversation with a resident over there today who is just beside herself with this owner and the lack of upkeep. Councilman Kovach stated wouldn't it behoove us to advertise that if you have got any complaints that we would be more than willing to come look at your apartment and therefore that would accomplish your random sampling. Law Director Graves stated I talked to the Building Inspector today and he is going to start proceeding with that and you know you still need the consent of the owner to go in there for purposes of a code inspection but if you got tenants saying there is all these electrical problems and there is all these code violations in my unit – that is probable cause and then if he denies the city to come in there then we can get a search warrant. We are going to have to step it up and be more aggressive on code enforcement because we just can't allow the Tradewinds to be turned into a slum. Councilman Kovach stated not only that you are suggesting it is a fire trap. Service Director Smith stated it is a quality of life issue too, I think we discussed Dave did we not. That there is safety issues over there involved that could cause loss of life possibly without us making sure that that property is safe. I am not saying that there is I am just saying that there is a possibility that there could be and our purposes in the ordinance is to keep that from happening in a preventative measure. Chairman Elliott stated it sounds to me, when we first passed this ordinance the biggest complaint was the fee that we were charging and it seems to me now that that is not an issue anymore. It is the actual enforcement of the ordinance, as we all know when John ran he was for code enforcement and Council backed him on that and this is why this was passed so we could have more stringent enforcement. It seems to me that it is not a money issue anymore, they don't mind paying the money they just don't want the ordinance enforced. Service Director Smith advised this owner when he talked to me before he talked to David expressed to me that he doesn't have the time to go and get a tenant in a building on weekend and he expressed to me the value of his time and how unfair the costs were and how it was not right and just went on and on trying to debate the legality of the ordinance and the costs of these inspections and basically inferred that he couldn't afford to have the inspections done. Now mind you Erie Shore Landings also was very upset about this and expressed concern to Steve and I believe the reason was/and that owner had told me concerns that he

couldn't afford the turn-around dollar wise. I am thinking to myself it is probably an invalid argument but I did hear it. I think that issue is a fact that now we have to enforce the code from this day forward. Councilman Kovach asked do we have an issue with Boardwalk and Park Place? Service Director Smith answered no I am not aware of an issue at Boardwalk, Park Place or Windjammer. David actually in a discussion we had said that he has actually gotten resident complaints and I believe Steve is already on it. Law Director Graves advised yes it is on Tradewinds. I don't if those units have been inspected but Steve is going to be talking. Councilman Kovach interjected are either of the complaints from Erie Shore Landings. Service Director Smith answered no Erie Shores there is no complaints on the building, it has just been the concern over the fee and that is something we never did before – that has never been done before according to them. This doctor also said the same thing but we haven't had any issues with Boardwalk or Windjammer. If they are unhappy I am not aware, they haven't actually expressed concern to me. Chairman Elliott advised I will brief Council on it but I don't believe our views have changed on enforcing the code and I am sure that is what you guys are doing. Service Director Smith stated it just gets a lot of resistance when you are being told – why are you doing that, you never did it before. Law Director Graves stated I am not suggesting in any sense just to be clear that we back down from this, I am just letting you know that it may get to the point where we are having to get search warrants and going in but I think it is worthwhile. Service Director Smith stated this isn't the first time that we have dealt with an enforcement issue because we started doing it and it wasn't being done and I would like they we say that for the record. Chairman Elliott stated I think that is funny that we have been charging this fee for 6 years now and now all of a sudden we can't afford it. Law Director Graves stated it is not that they can't afford it, it is that they don't want the city coming in and inspecting these units because they think we are going to find code violations. Chairman Elliott stated to me it is plain, it is not the money it is the code that they are having a problem with. It has been here for 6 years, I am not entertaining changing the codes. You live by the law and that is pretty much it. Service Director Smith advised the problem was that they are both saying and I hear is that it wasn't done before, why is the city all of a sudden doing this now. Law Director Graves stated I think what happened was prior to that code being adopted we had nothing on the books for single family residential and when that was passed it really targeted single family residential and then if you remember there was a lot of problems with the fee and then we came in and said well we won't change the fee but for single family residential we will make it bi-annual. So it is \$100.00 but it is every 2 years so it is really only \$50.00 a year and I think at that point the prior Building Inspector was – maybe he was confused, I don't know but I think that he was thinking I just got to get out and inspect these single family residential. For some reason the inspections of these big apartment buildings, these multi-family ones just wasn't being done and you can't

inspect them all but when you are doing an annual license you got to go in and at least do a random sampling just to get an idea of what is going in there. Service Director Smith stated if the individual home owners are having this done on a regular basis and they are dealing with it, there is no reason that the multi-family are treated. It is fair and equitable and across the board. Chairman Elliott stated especially when you are receiving complaints. There was a brief discussion on interior inspections. Councilwoman Stark asked if you have a rental property, how often are we going to inspect them especially if they are empty and we know that they are empty? Law Director Graves answered there is 2 different types of inspections; if you are going to own rental property in Sheffield Lake, any type of rental property then you have to obtain a rental license in the city – it is a license to do that business here in the city. For a single family residential, part of that license is you are going to have a bi-annual inspection and it is \$100.00 every 2 years and the Building Department just does the best they can with keeping up with who is renting property. Sometimes you have to be sneaky and be a detective and see who is advertising on internet services; property for rent, newspapers or whatever. Then you are on the list, so you pop up and every 2 years you get inspected. There is also supposed to be a \$50.00 occupancy permit inspection anytime there is a change in occupancy. So if a tenant moves out so before a new tenant comes in the city is supposed to inspect that property again for any code violations. That is much harder to keep on top of. Chairman Elliott asked do we do that for the purchases of homes too? Law Director Graves answered Sheffield Lake is one of the only communities who still has point of sale inspection. We actually as far as surrounding communities – we do a lot of inspections, we really try to stay on top of it and it is not easy. But they do the best they can especially when you only have 1 guy over there. Chairman Elliott stated Lenny just wanted to say you guys have done a great job over the last couple of days. We got a lot of snow and you guys kept the roads clear, please pass that along to the guys. Service Director Smith advised he would make sure that all 3 departments know that.

Ordinances before Council at this time:

Council#002 – THIRD READING – an ordinance amending section 1111.04(35)c of the codified ordinances of Sheffield Lake regarding the definition of private garage.

Council#004 – SECOND READING – an ordinance establishing section 1395.24 of the codified ordinances of the City of Sheffield lake, regarding permitting public nuisance.

Law Director Graves advised you will also have the legislation for the cruiser lease.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Elliott to adjourn at 7:54 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 SheffieldLake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Committee of Ordinance for February 3, 2011.

CHAIRMAN OF COMMITTEE

Eric S Elliott

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso