

Minutes of the Ordinance Committee Meeting  
**Sheffield Lake, Ohio**  
April 7, 2011

The regular meeting of the Ordinance Committee was held Thursday, April 7, 2011. Chairperson Huska called the meeting to order at 7:15 PM.

**ROLL CALL OF MEMBERS:**

Present: Huska, Elliott, Kovach

Attending: Councilwoman Stark, Law Director Graves, Concerned Citizens

**READING OF THE MINUTES:**\*Motion by Kovach/Second by Elliott to accept the minutes of the March 3, 2011 meeting with any corrections. Yeas All.

**PRESENTATIONS: None.**

**CORRESPONDENCE: None.**

**OLD BUSINESS:**

*Internet Sweepstakes Cafes* – Law Director Graves advised nothing new, the existing ones are still operational and are paying their licensing fees to the city and we haven't had any real problems or complaints. You may have read in the paper that the Attorney General is asking that the State take over regulating them. So we will have to wait to see how that proceeds, at this point it doesn't seem like their direction is to determine that they are legal or illegal but to take the regulatory authority away from the local government and maybe get those licensing fees at the state level. But we will just have to wait and see, that is it pretty much now for cafes.

**NEW BUSINESS: None.**

***Ordinances before Council at this time:***

Council#012 – THIRD READING – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of a parcel of land to the City of Sheffield Lake by Judith Hunter in memory of Thomas Jordan.

Council#013 – THIRD READING – a resolution in support of the Lorain Public Library System Renewal Tax Levy for the Domonkas Branch Library, and the declaring of an emergency.

Council#019 – FIRST READING – an ordinance of the Council of the City of Sheffield Lake amending ordinance 39-10, 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.

Law Director Graves explained Council#019 was sponsored last night out of the

Safety Committee. We recently revised that ordinance to bump up the starting rate because the previous ordinance was actually below current minimum wage. The problem with it was that in order for them to reach their working level I guess which is 70% of what the full-time Dispatchers make – they had to work 1000 hours and it would probably take them at least a year and a half to two years to reach that. During which time they would be working significantly below where other communities are paying their part-time Dispatchers. So the new version of the ordinance allows a bump up to \$10.00 per hour after 100 hours and then go to the 1000 hours up to the 70%. Councilman Elliott advised yesterday the Safety Committee also is probably going to sponsor Council#020 which would be for donations of 2 rescue vests and 1 meter puller for the Fire Department. This donation is from the VFW. Law Director Graves advised I think it is \$540.00 and that has already been forwarded onto to Kay for next week's Council meeting. Councilman Elliott advised the meter puller is for when they respond to a fire, they want to kill the power and the meter puller would actually help them disengage the power in a safe manner instead of doing it the old way which would also damage the meter. The rescue vests are basically for water rescue I believe. Law Director Graves advised there will be some additional legislation coming for which Council can choose to add to the agenda. We have got to make some updates to the tax code to eliminate some inconsistencies that RITA pointed out. It is basically just housekeeping. We are going to have the updates to the stormwater that I have been talking and we are going to codify those, so there is actually going to be 3 – the 2 that we have to update plus the 1 that we did last year which is the illicit discharge ordinance. They have never really been codified in Sheffield Lake and they really should be codified because they do carry with them criminal penalties for violation. Also as a contractor if you are coming – you want to be able to go to the code and see what rules you have to abide by and so they really should be codified and in most other communities they are. That will be forthcoming, we are probably going to make changes to our stormwater management plan and bring that to Council for adoption as well/some modifications to that. Like I said at Worksession the ordinance coming that I talked about earlier and there will be some other ones. Chairperson Huska asked if I were to want to start reviewing like we were before the ordinance book, do you have your book here? I was going to go to Chapter 5; general offenses. Councilman Elliott advised general offenses would be more law enforcement correct and I think that we passed an ordinance not long ago to bring us up to date with the state codes or to parallel the state codes. Law Director Graves advised any of our local general offenses that have corresponding state code sections, Walker Drane when they do the codification they automatically will update those for us so they correspond with the changes to the state code. So if the State OVI law were to change then they would automatically revise ours and then we would have to adopt that with the codification. Chairperson Huska stated I was looking at Chapter 5; General Offenses and I was surprised that most of it is

updated 2008, 2009, etc. Law Director Graves advised we do have some local ordinances that are specific to Sheffield Lake that they have adopted through the years that aren't in the state code. You will find strange things in there as far as the penalties. Chairperson Huska asked basically if I am looking at the bottom and it looks like it has been updated but there is still going to be some things in there. Law Director Graves explained yes but we haven't had any problem with them. What you might find is a local provision is classified as let's say a minor misdemeanor that carries a maximum of a \$100.00 fine. Well that should now say \$150.00 fine but because it is specific to Sheffield Lake that hasn't been updated along with annual codification because there is no corresponding state code. You will come across it every once in a while, it hasn't really been a problem. Chairperson Huska stated it looks like a lot of this has been updated recently. Councilman Elliott stated I know we have covered a lot. Councilman Kovach stated the whole Building code was redone. Chairperson Huska answered I am looking at that too. Councilman Elliott stated I know this going to aggravate a lot of people but what we need is a Charter review. I don't know if we want to wait, not that it would matter much but I think the Charter is supposed to be reviewed every 5 years and it has been well over that. Law Director Graves advised article 13, section 7 – it says every 5 years the Council shall appoint the members of a Charter Review Commission; 9 electors of the city holding no other elective office in the City of Sheffield Lake. The Commission shall review the Charter and within 5 months after the appointment recommend alterations, revisions or amendments. The Council shall submit to the electors not later than succeeding general election any proposed alterations or amendments. Councilman Elliott asked in the 9 members; from certain wards? Law Director Graves answered it just says 9 electors, so they would have to be 9 qualified electors of the city. Councilman Elliott stated something we could talk about at the Worksession. Chairperson Huska concurred. Mr. Ebenschweller stated I think it says it is mandated isn't it, every 5 years. Councilman Elliott stated it has been well over that, we have never had a Charter Review since I have been here. Law Director Graves advised it says the Council shall appoint a Charter Review and then once that is appointed and then once that is appointed they are supposed to review. So Council is supposed to appoint 9 people to be on the Charter Review. It just says holding no other elected office in the city so I suppose it could be other appointed positions either on a Board or Commission or Administration. Chairperson Huska advised so long as they are a resident of Sheffield Lake and over 18. Councilman Elliott stated that is something that I think we should probably look at, especially if it is mandated. Councilman Kovach stated the last time they did it which was 6 or 7 years ago, I would have to check the exact date but there were a group of recommendations and I don't think Council made a single change as I recall. Councilman Elliott stated I know there was a problem with our Charter with last budget, something we definitely need to look into and maybe Administration and make recommendations

to that committee and the committee could make recommendations to Council and we will go from there. Regardless of what happens, if it is mandated it has got to be done. Law Director Graves advised on the code, the last time we took a look at it was in the Administrative code which is the 100. We did some changes but beyond that I wouldn't really get involved unless there are some offenses that you really want to tweak. 300 is traffic code and 500 is general criminal offenses. Chapter 7 which is business and regulation, we may want to spend some time with that. Some of that might be outdated, I know there was that one chapter on taxi cabs. Councilman Elliott advised that was humorous. Law Director Graves stated there is some stuff in part 7 that probably needs to be updated. Chapter 9 we are making through all the time - that is the utilities and water, sewer. **Councilman Kovach advised why don't you start with Chapter 7 next month. Chairperson Huska concurred and advised add that to the agenda.**

Law Director Graves advised one inconsistency that is certainly in the books and that maybe we ought to plan to talk about a little and that is the definition of accessory buildings and the permitted size. This has been a problem in the past where there are at least 3 separate provisions in here that would seem to give almost conflicting size parameters. Chapter 1383 which is metal sheds and accessory buildings but there is other provisions that also relate to that. You know this was something that was really an issue, we really had to go through this when there was the boat house that was constructed next to the Community Center last year and ultimately was torn down. That particular structure had other problems, it actually straddled the property line between 2 lots and it needed to be put on 1 lot and then it would create an accessory building without a primary building and that probably wasn't going to happen. So anyway there were a lot of other issues with that but kind of floating over on the side line was does this thing exceed the size requirements and certainly an argument could be made that it did but then arguments could also be made that it didn't. So maybe for next months agenda we could plan to talk about that and define that. Councilman Kovach advised perhaps maybe that is the thing we should attack first because there is a quicker possibility of it coming up should anybody want to bring up this summer. Then we could go into the other one which is not as pressing. **Chairperson Huska advised so accessory buildings for next month - 1383.** Councilman Elliott stated I think that is something we planned on talking about anyway after that garage ordinance came up. Law Director Graves stated I just thought of another one, there is an ordinance on the books and it is a particular interest for the Zoning Board of Appeals that we have come across that says that when the Zoning Board of Appeals grants a variance the applicant has to pull the permit within 90 days. They have to pull a permit for construction within 90 days or the variance is vacated – it is no good and that is something I think should probably be revised. Most other communities have language that construction must be completed within 1 year or something like that but making them run right out and pull a permit but then the permit is good for

6 months which can be extended for another 6 months for good cause – you have a year to build. Councilwoman Stark stated since we are going to be hitting spring and summer, the lawn care; since we talked about the trash pick-up the other day in the ditches. When was the last time we talked about what do we do for punishment for people dumping stuff in the ditches which is causing flooding. On the news today Akron or somebody was looking at grab grass ordinances, I don't know if we have looked at. Councilman Elliott stated I think the only thing we have on the books as far as lawn care is that it has to be mowed at 6 inches high. Law Director Graves advised there is ordinances that in creating a public nuisance which is if you allow trash to accumulate – they can be cited for that. You can't impede the water course/drainage – the problem I think is catching them. If you see someone literally dumping it in you can catch them but if you just see debris in a ditch they are going to say well that just blew in there from someone else's yard or their garbage can blew over. You see this stuff all over the city but who is really responsible for it. Most of time where it accumulates is on these vacant lots or along woods or along fences – that kind of thing where it has just blown there and stuck. I don't know if you were here last year, we did change our lawn cutting ordinance that if the city does proceed to cut the grass. We can do it sooner now, we used to have to wait 60 days and the grass was a field then. Now the city can get in there quicker with proper notice and also we not only put it on the tax duplicate but we do some aggressive billing of the property owner and try to collect that. I think it is \$250.00 if the city has to cut your grass. Councilwoman Stark stated I just know that other cities are talking about cutting back how much notice, instead of giving them like a couple of warnings it is one warning. I know there has been some discussion this year.

**CITIZENS COMMENTARY:** Mr. Ebenschweller stated in talking about conflicting ordinances, recently last year or so Council passed an ordinance regarding remodeling/new construction or new buildings stated you would no longer be allowed to tie your down spouts into the city storm sewer. I know I had some questions about that because previous ordinance says your down spouts must be tied into the storm sewer and not be allowed to flow out on your neighbor and whatever. I thought there is a conflict right there and if we go to that old way again and I know we talked about rain gardens. When you are talking about rain gardens – that will work on North Ridge or Middle Ridge or Sandy Ridge where the water table is a lot further down but in Sheffield Lake we are sitting on swamp land. You got about a foot of top soil then you got hard clay then you got shale. There is no place for the water to go and we are being charged that \$4 and some cents to allow us because it is an impervious surface to go into the storm sewer. So when people disconnect their down spouts and let their water run out on it, should they excused from paying that \$4 because they have eliminated that. Maybe I am off the wall on this, it is just like a conflict and I don't know whether this new ordinance overrode

the other one. If there was specific language that says any other ordinances in conflict are hereby repealed or what. But I thought it was kind of strange and wondered whether that was really such a well thought out for this area. Whereas it might be fine for the Village where you are higher and everything like that. I suffered all the way up to 1983 with a flooded yard and I got pictures all through the years. Early on my son was sitting in a little row boat in the backyard, took it as a joke. As late as 2008 we came back from vacation and the yard was flooded so bad that I had a picture of my wife out there with a net scooping our gold fish out of the backyard and putting them back in the pond. That is how bad it flooded but since they know sooner had put those vaults in our frontyard, I hired a contractor and put a 4 inch line into my backyard and had to drain it to a low spot and I haven't had any water standing in my yard from that point. I certainly wouldn't want to go back to that again. I questioned whether that was a well thought out ordinance. I know the reason for doing it was to be in compliance with certain new rules with the EPA and all that in case we wanted to get funding and it is like we are selling our souls in order to get funding or grants or whatever. We in some ways – it is all just on paper and we don't really enforce it. I can show you time after time where we are not doing what we did for that Wege grant and things that we had that this is what we intend to do. But when it comes time to do it don't talk about it. Councilman Elliott stated I think that unfortunately – don't forget we just had that massive rain storm I think on February 29 and unfortunately with that massive rain it inundated pretty our storm sewer and it backed up and flooded a lot of peoples basements. So I think that might be one of those situations where you are darned if you do and darned if you don't. I know under Bill Gardner our drainage did improve and obviously we do need more improvements done as far as drainage goes. We put 2 more outfalls, I think we identified 3 other areas where we could put some in but unfortunately what it came down to was money. But we did put 2 and we have made some improvements. Like I said it is one of the situations where you are going to shoot yourself in the foot if you do and you are going to shoot yourself in the hand if you don't. Law Director Graves advised the Chapter 161.02, so we might want to take a look at it. Another thing and I know that we talked about this briefly before but I think the issue is still coming up and we just want to be solid on this and get this committee's opinion, the ordinance has been on the books for many years requiring an inspection upon a change of occupancy and that is a \$50.00 inspection whenever there is a change of occupancy. Hypothetically that is supposed to applied even in apartment buildings, every time a tenant moves out or moves in the city is supposed that unit for \$50.00 to make sure that unit is still complying with all the appropriate codes. A couple of years ago we did a pretty good revision of our rental property ordinance and created the annual licensing fees for multi-family rentals and then the bi-annual licensing fee for single family rental homes. There is some debate that whether the annual licensing inspections which now the city is doing and those weren't being done for

a little while but now we are doing it and what is supposed to happen is; example – one of our multi-apartment complexes in the city when they apply for their annual license the Building Inspector is supposed to go over there and inspect a random sampling of the units. No one expects them to go through all of the units.

Councilman Elliott asked when you say random sampling are we talking about vacant or vacant and occupied? Law Director Graves answered I think he is going to look at vacant ones but anyway he goes out there for the annual license and he does a random sampling and he looks at 5 units and tries to get a good idea about whether they are up to speed with their code compliance and then they pay their licensing fee. What the owners of these multi-family complexes are arguing is that should replace the occupancy inspection. They are already having their units inspected by sampling annually and they are objecting to having the city inspect every single time a tenant moves in and out that \$50.00 occupancy inspection. So both are still on the books. Technically right now the city is supposed to be doing both and like I said for a while we weren't really even doing the inspections for the annual licensing. It was just pay the money and get your annual license and now we are doing the proper inspections. The argument that the owners of the apartment complexes are making is that it is too costs prohibitive, you know – I can't be paying \$50.00 and then if it doesn't pass then there a re-inspection. I don't know why that is something that couldn't somehow roll into their lease agreements or you know have their tenant responsible for that. What I would like from this committee is a direction because I think this committee was the one that debated that to some length a few years back. I think Mr. Elliott had pointed out previously, I think what is going on is they just don't want the city coming into those units and seeing what is going on. It is not a financial issue so much as they just don't want all those inspections going on and seeing that a lot of time they are re-renting these units with code violations. Chairperson Huska stated actually most of them are getting a fair amount for those, my grandson was looking for a place to rent and they are getting a fair amount from that. He had gone down to the one close to the shopping center and said it was horrible inside. Councilman Elliott advised I think that is one of the places we talked about last time. Law Director Graves stated we have had to do a lot of enforcement at the Tradewinds over here on Harris Road and Boardwalk. Nobody is being singled out some people are trying to say hey you are picking on me. No everybody is being subjected to this, maybe Windjammer needs to be taken a closer look at. There was a brief discussion on apartments and previous discussions. Councilman Elliott stated my opinion is that it is not so much the fees that they are paying, it is their fear of us going in and enforcing code. Councilman Kovach concurred with Councilman Elliott and added if the assessment of a secondary fee is allegedly the main concern, we could actually handle this somewhat similar to what e-check does and if you fail your first inspection then you are not charged – you are only charged in e-checks case once the vehicle passes and in this case the unit passes. That is a possibility, I don't

know if we want to give up the fees. Like I say that eliminates that argument, there is not a secondary charge – you only get charged once it passes. Councilman Elliott stated I would agree with that, I would be more apt to give up the fees than the inspections. Law Director Graves stated I think it is as simple as when a tenant moves in you just add \$50.00 to their security deposit – it is a non-refundable \$50.00 and it is a one-time thing and this is for when you move out we will have a city inspection and this \$50.00 covers that. Councilman Elliott stated instead of arguing about the inspections, they are arguing the fees and it is really not the fees they have a problem with it is the inspections because as you pointed out last time Dave we have always been charging fees since this ordinance was passed and they didn't say a word. Then all of a sudden we are going in and actually doing the inspections with the fees and now they got a problem. It was never the fees to begin with, now it is the inspections that are actually following it. There was a brief discussion on nuisance calls in apartment buildings which Law Director Graves advised we haven't cited anybody under that new ordinance yet. Chairperson Huska advised I think that they don't want them inspected because they are letting these properties run down, they really are and they are getting good money. I remember one place years ago wanting a tax abatement and they were raising their prices double and they wanted a tax abatement from the city and my hair just stood on end. So this goes back to the fact that they are just trying to pull a couple of fast ones.

**MEETING ADJOURNED:** With no further business before this committee,  
\*Motion by Kovach/Second by Elliott to adjourn at 8 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 April 7, 2011.

---

CHAIRPERSON OF COMMITTEE

*Diana Huska*

---

COUNCIL PRESIDENT

*Edward R Podmanik*

*and/or*

---

COUNCIL PRO TEM  
*Richard Rosso*