

Minutes of the Ordinance Committee Meeting
Sheffield Lake, Ohio
May 5, 2011

The regular meeting of the Ordinance Committee was held Thursday, May 5, 2011. Chairperson Huska called the meeting to order at 7:20 PM.

ROLL CALL OF MEMBERS:

Present: Huska, Elliott, Kovach

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

READING OF THE MINUTES:*Motion by Kovach/Second by Elliott to accept the minutes of the April 7, 2011 meeting with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Internet Sweepstakes Cafes – Law Director Graves advised nothing new, the 3 we have in existence we have not had any complaints or problems. They are doing well and paying their licensing fees. As far as the decisions out of the state, at least preliminarily it looks as if the proposal would not be to clarify. Well there will be some clarification but not to find that they are illegal, it looks like the purpose would be more along the lines of letting the state take over the regulation and take that out of the hands of the local community. We will keep an eye on that for you. Councilman Elliott stated there was some talk or rumor of a 4th one. Service Director Smith answered Duff's Corners applied for a partial application. That was it and have not heard anything else except the fact that the Building Department had to go in there as we had several complaints from residents that there was illegal building and stuff going on at night after hours inside there and we should check on it which we did. The Building Department went in there with the owners cooperation and found some things, after that happened we have not heard from them people since.

NEW BUSINESS:

Chapter 7 – **None.** Discussion for next month.

Chapter 1383; accessory buildings – Law Director Graves explained this particular part of the code was an issue last summer when we were dealing with the boat house that the resident built next to the Community Center. There were a couple of issues there; definition of accessory building – whether building met that definition/in terms of the permitted size of accessory buildings – a potential

conflict between 1383.02d and 1133.02c. After a lengthy discussion, take out metal shed and add 12 X 16/192 square feet or repeal. Committee will continue discussion at next month's meeting.

Chapter 161.02 – Law Director Graves advised that if I recall is the ordinance that requires for a variance that is granted by the Board of Zoning Appeals. It states if an application for building permit is not made within 90 days after granting of variance the variance shall expire and shall be deemed to have been denied. That is a provision that has been an issue in the past and other communities have language that is along the lines of construction must be completed within 6 months or completed within a year or something like that. But doesn't mandate that within 90 days of the variance that they pull a permit. Many times if a variance is granted in the winter, they are not going to move on that until summer anyway and the permit would be good for 6 months with one 6-month renewal for a finding of good cause. Once the variance is granted it runs with the land forever, if they pull the permit and follow this. After a brief discussion, Law Director Graves recommended that the language say something like "construction needs to be completed within 1 year or within 6 months" or something like that and take it out of the pulling a permit but make it more like completing the project. That is the real issue, it is not running down and pulling that permit. We had an issue where someone was granted a variance and thought he had more time and just didn't pull the building permit. Service Director Smith explained situation of weather dependent for projects and advised he liked David's idea. Law Director Graves stated hypothetically someone could be granted a variance, pull the permit within 90 days, never start construction and let the permit lapse and the variance would still run with the land even though they never built the project so long as they pull that permit. That is why I think that it would be more appropriate to tie the variance to the construction and that they have to complete construction in a certain period of time otherwise the variance lapses. Chairperson Huska advised Law Director to draw up a draft. Councilman Kovach advised I think we should take our time on this one and also invite the Zoning Board for their input on it. Chairperson Huska advised Kay expand invitation to Zoning Board of Appeals to our next Ordinance meeting in June.

Annual inspection – Law Director Graves advised we have ordinances on the books requiring an occupancy permit inspection and those ordinances go back to 1972. I believe in 2005 or 2006 we instituted a whole new approach to rental property in the city and for single family residential rental property bi-annual inspection for multi-unit rental properties – it is an annual inspection and there is a graduated fee based on the number of units that are in the complex. When the owner of the rental property applies for their rental license and pays the fee there is an inspection done. For the multi-unit dwellings it is a random sampling of 5 units; ie: Erie Shore Landings/Mariners Circle/Tradewinds, etc. So that fee is paid and those inspections of the premises are done. The occupancy permit inspection is still also on the books and we have been enforcing that in addition to the license

inspections so that in these apartment complexes when tenants move in or move out, the city wants to go in and do a \$50.00 inspection on those units and that has been happening. That has been happening much more consistently as of late then was done previously. Most of the owners of rental property in the city are complying with that and have no problem with it. The question has come up as to whether we should be doing those additional occupancy permit inspections on the individual dwellings or if the occupancy inspection implies more to the whole building and the inspection process takes place when they apply for their rental license annually. The second question is if we are going to continue doing those occupancy permit inspections in individual units, whether we should be charging an additional \$50.00 fee for each of those inspections. If we are going to wave any fees then the ordinance should actually be changed to reflect that there would be no fee for the re-occupancy inspections of these individual units. He gave a brief recall on previous discussions. He advised doing away with the fee for the re-occupancy inspection but keeping the inspections on the books, that is something you could consider doing. Chairperson Huska polled committee, no change; Yeas All – Elliott, Kovach, Huska.

Council#028 - *Motion by Elliott/Second by Kovach to add to Council's agenda. Yeas All.

Ordinances before Council at this time:

Council#019 – THIRD 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.

Council#028 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of two physio 12 lead cables to the Sheffield Lake Fire Department which have been designated for use with their LP12 monitor defibrillator, and the declaring of an emergency.

CITIZENS COMMENTARY:

Dave Wright questioned why 4-wheelers not being allowed in the city on private property. He explained I was stopped by a Police Officer as I was riding on my property and he was very kind and he showed me the ordinance that says you can't operate it on your own property. The reason that I bring this up, I have property down south but I want to get my grand-daughter a 4-wheeler and teach her how to operate it without having to drive 3 hours down south. If it was a noise ordinance I would think we have noise ordinances in the city if it were too loud. Law Director Graves advised I thought we had revised this only a couple of years ago and my recollection was that they were allowed for recreational use on private property – no? Councilman Elliott advised that is what I thought too but after looking into it I think the only thing we approved it for was clearing of driveways. Also, after

talking numerous people about it I found out a little incident that happened this month that basically turned into an assault case. I don't really want to get into it because I think the guy headed up going to the hospital. He explained incident. Law Director Graves advised this was just done in 2008, 1375.04 – they are permitted on private property for the purpose of yard work, landscaping, snow plowing or other non-recreational use. He explained discussions of reasoning for possible nuisance. **REFER TO WORKSESSION – ATV/RECREATIONAL USE**

MEETING ADJOURNED: With no further business before this committee,
*Motion by Elliott/Second by Kovach to adjourn at 8:20 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 May 5, 2011.

CHAIRPERSON OF COMMITTEE

Diana Huska

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso