

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

The regular meeting of the Ordinance Committee was held Thursday, July 7, 2011. Chairperson Huska called the meeting to order at 7:30 PM.

ROLL CALL OF MEMBERS:

Present: Huska, Elliott, Kovach

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

READING OF THE MINUTES:*Motion by Kovach/Second by Elliott to accept the minutes of the June 2, 2011 meeting with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Internet Sweepstakes Cafes – Service Director Smith reported the internet café in the old Gus’s is closed. There is another man that is looking at it. Then we have the one at Schunenman’s which I needed a call as I needed a verification from him that it is closed. But from everything I understand there is a note on the door that states it will be under new ownership which both situations are going to required new applications and a new process. Law Director Graves explained if it is the same business but just new management then they would have to go through the new application and be substitute to background checks and so forth but that the city probably shouldn’t require them to pay a new annual license fee since the business is the same. They would just have to pay the monthly fee based on the terminals but if it is a new business and I think right now it is up in the air whether it is going to be a new business at both of these locations then they would have to pay the new annual fee. Have the terminals been taken out of commission, have we taken those tags off of them? Service Director Smith answered I am waiting for a return call from Mr. Stifle. I had heard that he had removed machines but it is closed to the public. Law Director Graves advised the question was raised last night at Safety, if the terminals are taken out of commission – if we actually physically go up there and remove the stickers. Service Director Smith advised his information and our information on those that is descriptive – so you can’t forge anything with it even if they did take it out. Law Director Graves advised we should have record though of exactly which units were taken out of commission. Service Director Smith advised so what happens if he closes then you get a list of all the cpu’s which we already have on file. If he is going to reopen then we will have a new list of the ones that are there and the ones that are gone. But I don’t know that yet as he has

not called me back. I have several calls into him and I will keep trying until I get a hold of him. Either way they can't open up or anything, they have to go through the whole process. Councilman Elliott asked so 2 or the 3 are closed right now? Service Director Smith answered correct.

NEW BUSINESS:

Chapter 7 – Chairperson Huska advised scheduled for September discussion.

Chapter 1383; accessory buildings – Chairperson Huska advised we had a lot of discussion on this and I have the notes on what happened at the June 2nd meeting. David have you had any time to think more on this? Law Director Graves answered no. She reviewed your suggestions at the last discussion were to just leave “shed” out of that. Councilman Elliott recalled call it storage building. Chairperson Huska answered yes and use recreational classification. Councilman Elliott stated there was some discussion as to whether that would work or not. Law Director Graves advised I think at a minimum if nothing else is done, the discrepancy between 1383 and whatever the other section is that I don't recall right now regarding the size of accessory building needs to be reconciled because right now there is a conflict there. It is not clear what the size should be. Secondly when you talk about accessory buildings, do you want to leave it as just a general shed/storage building/out building in one classification and say this is the size or this is the percentage of yard coverage they could take up or do you want to be more specific and break it down as Eric was saying – you know for storage shed/recreational/accessory buildings or things like that, metal sheds. We can get rather specific on that and I haven't had a chance to look at what other communities codes might have. Also to maybe more clearly define what an accessory building is because sometimes people have small gazebo type things in their yard and I think historically the city has treated those more along the lines of just ornamental. Service Director Smith advised we just had this incident occur I believe it was the first day I came back from vacation or right after the last meeting. The gentleman came in and he wants to build a pavilion to park his car under – carport, it is not covered, that is in a flavor of a gazebo. The out structures that he wants to put in his yard, he wanted to make these nice wooden structures; gazebo and then a carport and it is all with the same flavor and this type of stuff and Steve said well we have got issues with that. He said he was in no rush so he was going to wait. Chairperson Huska asked how much of the property was this going to take? Service Director Smith answered I don't remember but his request was that he just basically put up a pavilion over his turn-around, it was actually 4 X 4 post with wooden stuff – almost the gingerbread that you put on a gazebo and he had a drawing and he had everything on it but it couldn't comply. We explained to him that that type of stuff is being explored in Ordinance and he just kind of elected to wait a bit and see what is what. I think he applied for a permit for basis of some other things. Chairperson Huska asked what was your first feeling on this?

Service Director Smith answered I think that any time you enhance your property and you are creating a better value, you are increasing the value of your property that as long as it is not destructive or moves the other way we should have some type of accommodation for it. The density issue usually is what dictates how big things are, like how many homes are on what size lots or what is the average setback or what is the average side setback and how big are these lots in this neighborhood and that kind of steers how big a shed can be and how big a surface area. When you get the majority of the city, people want to spend and invest money into fixing up their home and making several things, my personal opinion is that I think the city should have some type of avenue to allow that to occur. Instead of becoming a personal taste issue where as you have a small group of people saying no I just don't like that. Chairperson Huska asked do you think we should still keep in how much of the yard can be covered by this type of thing? Law Director Graves advised this goes with another question currently we only allow one accessory building, that is something that you could revisit as well or do you want to allow 2 or do you keep it as 1. Right now if you have 1 accessory building then if you want to a second one you have to come to Zoning Board for a variance. Chairperson Huska advised I think 1 should stay for now. Service Director Smith advised in this gentleman's case you are talking a gazebo in the side-yard and then you are talking a pavilion which is a total different structure but under the ordinance they would both be an out building basically. Law Director Graves answered unless you classify that as a detached garage, you can have a detached garage and then an accessory building. Service Director Smith stated I was on the other side of not defining it meaning too much definition like recreational building, an out building and shed and all that but the more I thought about it when I had this situation arrive it kind of told me that maybe that should explored by you guys. Chairperson Huska stated yes because this creeps up pretty often over the years. Councilman Elliott stated I hate to tell somebody if they are going to invest money into their property and improve it regardless of what their taste are – there should be some avenue of where they could go that way and I hate to say that somebody with a bigger lot that you can only have 1 out building. When you are putting them on the same restrictions as the guy that maybe has a smaller lot. There is a couple of bigger lots in this city. I am still of the same opinion though that you should do recreational and/or storage but that one example that you just gave Dave, it seems to me that he is taking a recreational building and using it for storage to store his car. He said himself – pavilion. Law Director Graves stated there are homes that have carports and in fact my Mom's cottage that she has in Huron has one where it serves a double function – you can park in there or you can pull the car out and then you can have a picnic in there or whatever. Service Director Smith stated carports are a popular thing these days. Councilman Elliott stated I think we should probably base on how many structures he has based on the total square footage. That may complicate things I think. Law Director Graves stated you always have

to keep in mind the underlined reason for having Zoning restrictions and that is to keep some form of continuity in a neighborhood and if somebody has a larger lot they can always apply for a variance and in that case the neighbors would get notified and could weigh in whether they had in objections to it and they could say that their lot is of certain character that it would be appropriate and won't disturb the spirit and nature of the neighborhood. The Board could grant them the variance to do it. Service Director Smith stated that is restricting them and making them having to go through an extra process just to have something that maybe should have the right to. Law Director Graves stated you are always going to have restrictions, this is a fundamental point – there will always be zoning restrictions. That is the whole point of having a zoning code. Service Director Smith stated what about you got a shed in your backyard and you are allowed to have 1 and you decide to buy a pool and instead of having your pump set out in the open you want to build a little small pool house so you build a 4 X 6 pool shed to hold the filter, vacuum and everything – is that an out building, there is your question? Law Director Graves stated I don't know that our code really addresses that but I can tell you that I am familiar with Avon Lake's code where they have a section for accessory structures. There is accessory buildings and then there is accessory structures because people do have free standing generators or other things on their property that aren't really a building but never the less their structure is permanently on the property. Chairperson Huska stated I am going to go back to the basic differences in these 2 ordinances; 1383 – accessory buildings can exceed 12 X 16 or 192 square foot/1133 – it can't be more than 12 foot tall and can't exceed 30 percent of the rear-yard. In other words, how this came up is 30 percent could be way more than 192 square foot. Now are these the 2 basic differences in these ordinances so we simplified everything and took shed out and made accessory building – we still have this problem. Law Director Graves stated right if somebody wants to build an accessory building and wants to go beyond the 12 X 16 and they say well I am allowed to do it because it won't be more than 30 percent of my rear-yard – we really have a conflict there. Chairperson Huska stated what I had said at the last meeting was what if we just took 1383 completely out but I am not sure that would work either. Councilman Elliott stated I think what we are basically going to be forced to do here is eliminate both and make a whole new ordinance. Service Director Smith stated I really think what David said about an accessory structure is very important in bringing the code to a more up to date type of thing. Law Director Graves stated why don't we continue discussion and I will get some examples of what other communities have as far as accessory buildings and accessory structures and then we can take a look at that. I will get some of the neighboring communities code. Chairperson Huska advised we will continue this discussion in September then.

Chapter 161.02 – Law Director Graves advised this is on for a second reading at Council. **REMOVE.**

Chairperson Huska advised at Council meeting we discussed clothing allowance for part-time dispatchers. I would like more information on this but I would like to add it to the agenda. Right now, the police full-time have \$300.00 allowance and the fire is based on their contract and the water department they have a uniform provided. Occasionally a part-time dispatcher since they have to buy their own clothes was getting \$150.00 allowance. Councilman Elliott advised that is contractual with the police too. Law Director Graves stated it really doesn't have anything to do with the clothing allowance for the full-time bargaining unit people, that is all covered in their collective bargaining agreements. This is about the part-timers and historically the part-time dispatchers have been given a \$150.00 clothing allowance, there is really no ordinance anywhere that authorizes that – it is something that has always been done. You get a dispatcher that comes in that is required to buy their entire uniform and they are only starting out being paid minimum wage. That is a lot to ask them to purchase and we had a situation where a part-time dispatcher was only there for a couple of days and had been given that clothing allowance and then we subtracted it back. We really should clean this up a little bit, there should be something on the books that talks about what they are entitled to. Councilman Elliott stated should this be dealt with Safety or should this be dealt with here? Law Director Graves asked I really don't know enough about the issue, the Chief would probably be the best one weigh in on it. He usually attends the Safety Committee meetings, maybe it is an issue that is better addressed through the Safety Committee. Chairperson Huska stated I will leave it on the agenda but in the meantime I will talk to the head of Safety Mr. Bring. Councilman Elliott stated I know we discussed it but we never really dug into it. We laid down a couple of options but I think the Police Chief should weigh in on it too.

Ordinances before Council at this time:

Council#034 – SECOND READING – an ordinance authorizing the Mayor to enter into an agreement with Middletown Ford and/or Accord Financial Group for the purchase of a Fire Department utility truck and the declaring of an emergency.

Council#035 – SECOND READING – an ordinance amending section 1345.08 of the codified ordinances of the City of Sheffield Lake regarding occupancy permit inspections for single-family rental units and multi-family residential buildings having two or more residential units.

Council#036 – SECOND READING – an ordinance amending section 161.02 of the codified ordinances of the City of Sheffield Lake regarding expiration of variance upon failure to apply for building permit.

Council#037 – SECOND READING – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Elliott to adjourn at 7:53 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 July 7, 2011.

CHAIRPERSON OF COMMITTEE

Diana Huska

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso