

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
April 4, 2013

This regular meeting of the Ordinance Committee was held Thursday, April 4, 2013. Chairman Smith called the meeting to order at 7:29 PM.

ROLL CALL OF MEMBERS:

Present: Smith, Kovach, McCullough

Attending: Mayor Bring, Service Director Smith

MINUTES: March 7, 2013, *Motion by McCullough/Second by Kovach to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Expand the role of Architectural Review Board under Planning Commission:
 Chairman Smith advised we talked about that at Worksession. We are not really going to beat on that too much because we pretty much got direction on which way to go and I think our biggest issue is how detailed you want to get on this. Do you want to start reviewing others and what kind of game plan you want to put together; start reviewing other ordinances from other cities? Councilman McCullough stated this is what I think and I know it is trying to be done but we are pretty well landlocked. We don't have that much B1, B2 left. We got pharmacy property. Mayor Bring advised that is us sitting here right now but you never know what is going to happen in the future and that is the problem you got think about. Chairman Smith added you know what the biggest thing is I will give you a perfect example of what I think should do is when you come with the commercial building like that. Look at the building over on Walker Road, the big yellow building with the gravel parking lots. Those technically, that should have been looking nice and have a solid asphalt or concrete driveway. Those are the things that I think is the purpose of that, so those types of things don't slip through again. I am thinking more of a generalized review. I was just start going through the ordinances from different cities and maybe pick out more of a general scope. It has to have a hard surface parking lot, it has got to have landscaping but generalized – not what it should be. Councilman McCullough stated I thought the whole purpose of this was them to actually see the Architectural concept drawings to say yes or no to. Chairman Smith stated the whole purpose was Mr. Rinderknecht came and wanted the Architectural Review Board put into position so they could govern exactly how Dollar General had to be put in. That is the whole purpose, he brought this list of 10 foot down just so you can hide it. That is what it originally got brought up for but then David mentioned that not necessarily an Architectural

Review but more of a site plan general overview to make sure that certain things are put in there – like landscaping, not white pear trees and flowers but it has got to have some sort of hard surface which a lot of the building codes cover. Those are the types of things. That is how it kind of went into a site review plan generalized. Mayor Bring advised we really can't tell them what to do. Chairman Smith answered right but you can say it is going to have a hard surface, it is going to have some landscaping but you don't want to get too specific. Mayor Bring stated you look at where Schenmen's is now, you look at Abbe Road Lumber and you look at like Mac's even though Mac's is a gas station/repair shop. If that ever gets sold and somebody comes in here in 20 years and decides to do something you still have residential property across the street. So you want to make sure whoever goes in there does it so you are not offending the residential neighbors and that is the whole idea of everything. We have a lot of that that is along here, I mean look at Avon – did anybody over there in Avon ever foresee what was going to happen – you don't. So you got to think about what is going to happen here in the future and there is places around that we still have that interaction with the residential. Service Director Smith added keep in mind it is a recommending body too, not a decision making body – it is a recommending body. Mayor Bring advised that is why Council still should have the last call on this. Chairman Smith advised that is what I think but I mean if we are really going to do the site plan review. Councilman McCullough stated in thinking back to when we started and I am talking about when Sheffield Lake started and you said Mac's and I am just using it as an example and I can think of many other examples that were along Lake Road but I am going to use Mac's as the example because when that was Sunoco I can remember that old arrow that used to go through that Sunoco sign and it was neon (he made the sound the sign used to make) and those residents across the street knew that that sign went (he made the sound the sign made) all the way through and I guess what I am saying is you buy knowing that the property is there. The value of their property is actually increased because it is on the north side of Lake Road. This is my concern, for somebody to interpret it as something that they can block something from someone building or someone going through that is already meeting all of our building codes. I want to see that and the Zoning Board of Appeals did something that I still I don't care if they are found right in court or not, I still think was wrong. I don't want to give a Board power to make a decision that the city to has abide by. Chairman Smith advised that is the whole purpose of changing it from an Architectural Review Board to put it under Planning as a recommending body to us so they can look over to make sure that all this stuff – they are going to look at it and somebody might say hey isn't there a building code that says they have to put this and how come this isn't there. Then they can raise that question and they can go back. It is more of a general overview of the project and I would think that we would have the last say.

I don't want them to have any stopping/blocking abilities, I agree with you 100%. That is kind of like the whole purpose of it. Service Director Smith advised you don't want to create a restrictive code that sends people over to other cities. Chairman Smith advised Avon Lake, go read their site plan review. I have read some of it – you got to know what kind of bushes they are putting in, what kind of trees you are putting in/where you are putting them at - it just gets so ridiculous. Service Director Smith asked is it by a certified landscaper? Chairman Smith answered that is what I am saying, that is true – that is what they do, the whole thing. Mayor Bring stated the problem is in Sheffield Lake right now is that everybody is very comfortable the way things are. It is just like when we put Speedway in and we had 5 or 6 people. The housing thing that is proposed there are people that don't like. Nobody wants Dollar General but everybody says well we don't have any tax dollars but nobody wants to increase the tax dollars because of businesses. You don't want somebody to do the stoppage but you want somebody to come and say hey, can we make this look a little bit better over here or over here can we do this. Chairman Smith stated like you say give us an idea of what it is going to look like. Just bring in a drawing and say we are going to have this and that. Councilman McCullough stated but I don't want it to get stuck in Planning Commission where it says this is not I want, we are not going to recommend that you go to the next step which is the Zoning Board of Appeals for any variances. Chairman Smith stated that is where David would come in because you don't want it to be, you want them to review the plan but you only want a certain amount of time – you don't want somebody to say we are just going to keep doing it meeting after meeting after meeting. Service Director Smith stated can't do it because it is a recommending body, they have no power. They have no stopping power. Councilman McCullough stated well the Planning Commission does to. Service Director Smith stated if an Architectural Review Board doesn't give a report by Planning by the time they are scheduled for Planning, it just means that a recommending body has got a recommendation. Mayor Bring stated you guys still over-rule them. Service Director Smith advised as long it is not a decision making body, when it was originally brought that it might be and I support a recommending body only. Chairman Smith stated right but they are going to have to do it within a timely manner. You don't want them to turn around and say well we can keep reviewing it for as long as we want. We are going to take some time with this and some meetings to go over this. He suggested you might to open the suggestions to the Safety Forces, incorporate that into the process. Service Director Smith advised it brings it out in the open before the process is started instead of becoming an issue after they start building. Mayor Bring stated that has come up a thousand times. Councilman McCullough advised I am open for anything as long as we are not giving somebody things like what is going on with Zoning. Mayor Bring advised Zoning is a total separate Board.

Chairman Smith added and that is governed by the Charter that is the process. Service Director Smith added they are a decision making body. Councilman McCullough stated but there was no decision for them to be made the way it was wrote. Mayor Bring advised but there was a stipulation that David brought up and David brought that up and they used that and that is how they made their determination. Chairman Smith stated these are things that we are going to think about and maybe look at some ordinances. Service Director Smith advised one of the things that Architectural Review Board's do sometimes on commercial properties especially retail is re-evaluate signage. We might have signage laws but – what happens is you end up having a more committed; when someone is bringing something to the city to say this is what I would like to do, this is what I plan on doing and they got to go through an Architectural Review Board – they are going up with drawings or something and you are going to know ahead of the thing. Chairman Smith advised we are leaning away from this thing, there is not going to be an Architectural Review Board. We are repealing the Architectural Review Board, it is not going to be and that is why we don't want to because when you start getting into an Architectural Review Board then everyone wants to look at every aspect of the thing. So we are trying to make it more generalized and we all agreed to repeal the Architectural Review Board and we are going to go with more of a site plan review through Planning. Service Director Smith advised because we already have a site plan review through Planning, when a plan comes in. For instance when Woda first came to the city, the drawing that they came up went to the Fire Department; that is where the extra line connection and the looping the system came from was input from the Fire Department at looking at what they wanted to do. Chairman Smith advised we have to figure out what input we want them to look at. We want input from Planning but we don't want it to be a stopper. We don't want them to say no we are not going to allow this. There was a brief discussion on the Dollar General sign and changes. Mayor Bring explained Dollar General wanted to be good neighbors, they didn't want to come in here and offend anybody. The one lady that had the brick house and the guy across the street that has the Bed and Breakfast both said it would be a good idea to have the sign this way and they said we can do that. Did they have to – no. They lowered it and put it down instead of being up in the air. There was a couple of other things that the neighbors asked for and they talked about it and they said yes we can do that. Councilman McCullough stated most companies want to be a good citizen. I will use Hardee's for an example; we used to have people walk all the way down to almost East Drive keeping stuff up. We used to have people walking by my Mom and Dad's. We used to have people walking down Lake Breeze – you never saw Hardee's trash in this city when I was running it – never. We wouldn't see it because you wanted to be a good community partner. Mayor Bring advised if you want to do business in this city, you want the city to do business with you but if

you want to come in and say this is the way it is going to be then how long do you plan on being open. Service Director Smith stated unfortunately it seems that a lot of these issues believe it or not with the Building Department end up being raised by property owners or attorneys. I can't tell you how many issues, so what you guys do up there is very, very important. By not restricting and making it a point to not restrict I think is a very positive issue on your part.

1139.06c – problematic piece of code; needs to be eliminated or to be explained what kind of standards and criteria the ZBA is supposed to use – there was a brief discussion on issue and will be further discussed at next meeting when the Law Director is present.

1351; dangerous building code – is lengthy and cumbersome. Needs review/revise to tighten up process for demolition – will be further discuss at next meeting when the Law Director is present.

NEW BUSINESS:

4063 Tennyson – Councilman McCullough asked did they apply for a occupancy permit? Service Director Smith answered I don't know. Councilman McCullough stated that house is falling apart and there is still people living it.

Current Commercial buildings conditions – Mayor Bring advised we have a problem with some of the commercial buildings that we have here as far as making them clean up and maintain. The Building Inspector was looking at some of the codes because I sent him over to a couple of places this past week but we don't have enough in the building codes to actually cite somebody or say this is what you have to absolutely do. Mentioned – Mac's, Nay's, empty lot of Duff's and there is a couple of other buildings right now that have a lot of debris. We don't really have anything to make them actually clean-up, it takes months for the process and we want to speed this up. We told this guy he has to move these cars over here, we told him they have to be on a hard surface. So the guy goes out there with a pick-up truck and throws gravel around the car and leaves it like that. He has got cars all over the place. I want to be able to go over there and say look you got 30 days to clean this up or otherwise we will fine \$1000.00 a day or whatever until this is cleaned up because it is a disaster over there. That stuff over here by Mac's, it is a little bit better than it was but we need something to that will work now. We need to get these cleaned up. There was a brief discussion on mentioned properties. Chairman Smith advised I am a car guy, that is what I do. There is a difference between having cars sit there and having junk cars or having them sitting there half torn apart and piles of junk laying around. Service Director Smith advised we do have property maintenance code but we have to go through a process identified by our Law Department that we have to go through or it won't stand up when it gets to court. When we go through this process after several months; I am going to use USA1 – we got a verbal complaint from a resident who showed up with a bunch of pictures of their cars that they were selling out front

over the sidewalk – parked over the sidewalk. We went through 2 months of constantly going over there until they finally moved the cars back beyond the sidewalk. All of a sudden everything stopped because they moved them back. One month went by and they moved the cars back over the sidewalk and we have to start the whole process all over again. Now we have another complaint by the same guy that we took the first complaint from. Chairman Smith stated for the ordinance is there and it is just taking a long process then we need some recommendations on how we need to speed the process up. Mayor Bring stated I don't think the fine is enough either. Councilman McCullough stated the problem is the ordinance isn't right because you know what if went through this process and 2 months later he is doing again to make you start going through the process again. We have to have some kind of teeth in the ordinance to say listen if you do this again in the next 365 days the fine is \$1000.00 per vehicle per occurrence. Mayor Bring advised what I am going to have Building Inspector Wiblin do is print out what is available to him now and we will bring it back to the next meeting. Service Director Smith advised also of the stormwater utility code which gives the city the right to go on to the property to make that the stormwater on a commercial business such as a water separator is connected the proper way. Right now we don't have that legal authority but because of the stormwater and everything we can. There was a brief discussion on issue to be further discussed with recommendations at next meeting.

Parking on birm of narrow road destroying the birm and if there is tile its destroys that – such as; West Drive, Lafayette. There was a brief discussion on different issues throughout the city. Service Director Smith defined I am asking for you to look at when there is damage, that I have something to do to stop that, to cause that to cease. That is all I am asking for, when we visible see damage to the birm. When possible damage is first to start or noticed that that is when you go into a refrain from there because you are having damage – you can't park there. I am asking you to look for a possible remedy. Councilman McCullough suggested using the new water bills for notification. Service Director Smith advised does not know the legality of putting up no parking signs.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

Council#010 – SECOND READING – an ordinance establishing Chapter 944 of the codified ordinances of the City of Sheffield Lake regarding regulation of pollutants into the municipal storm sewer system and the declaring of an emergency.

Council#013 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component

codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by McCullough to adjourn at 8:34 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/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Committee
Of Sheffield Lake DO HEREBY CERTIFY that this
Is a true and exact copy of the Minutes of the
Ordinance Committee of April 4, 2013.

CHAIRMAN

Alan Smith

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott