

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
January 3, 2013

This regular meeting of the Ordinance Committee was held Thursday, January 3, 2013. Chairman Smith called the meeting to order at 7:17 PM.

ROLL CALL OF MEMBERS:

Present: Smith, Kovach, McCullough, Service Director Smith, Law Director Graves

Absent: McCullough (excused)

Attending: Zoning Member Rinderknecht

MINUTES: December 6, 2012, *Motion by Kovach/Second by Smith to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Law Director Graves advised just to bring you up to speed on the internet cafés that we talked about at the last meeting. That bill did die during the lame duck session of the state general assembly. There is discussion of that being brought back early in 2013. I have heard different talk about this, I have heard there is a strong movement to proceed with the elimination of that and again the way they would go about that is to require that they have non-cash payouts under a \$10 value. Basically, apply the same standards as the amusement carnival type games, which would essentially put them out of business. But I have also heard that there is a lot pressure that that would eliminate over 10,000 jobs in Ohio and the state might be looking to just take them over and take over the regulation of them rather than allow local communities to continue to regulate. Member Kovach stated what you are saying is they want to do the same thing that they did with the cable TV and everything. It is really not that bad as long as they can get the revenue. Service Director Smith stated is the quagmire concerning this though in order for the state to be able to regulate that they have to drop their reasoning to eliminate it which in turn would fall back to the court case. Law Director Graves stated the Attorney General has been pretty outspoken that he thinks they are illegal. If the General Assembly decides to allow them to continue then it is a sweepstakes but to regulate the payouts and the Governor signs it into law then that is the law. Service Director Smith advised they would have to drop their case that is illegal is my point. Law Director Graves stated the Attorney General would have to follow the law.

NEW BUSINESS:

Law Director Graves advised I would like to bring one item to the committee's attention and I believe it is the same item that Mr. Rinderknecht has come to discuss and that would be to recommend that the committee take a look at section 167.05 of the codified ordinances regarding the Architectural Review Board and architectural permits. I don't know if this was completely enacted or significantly expanded in November of 2004. It has never really been put into place, I don't know that we have ever had a body or people appointed to it but the language seems to be designed to govern the accessory buildings. I think it is a good idea to expand this role or if not to at least expand – it is under the Planning Commission section of the code – to expand the role of the Planning Commission, to have more of a site plan review in regard to landscaping and maintaining the nature of the neighborhoods that structures are in. It should be applicable to primary structures is what it should be. Again it is written for accessory buildings, I don't remember the circumstances of when or what was going on when this was originally put in here. Chairman Smith concurred I don't either, I would have to go back and look at the minutes from the meetings to refresh my memory of why, what, where. Law Director Graves advised I think that it serves a very valuable purpose to have an Architectural Review; if not, by independent or at least to expand the role of the Planning Commission. This is something that I have talked about in other meetings about the Planning Commission having more site plan review because of the nature of the way that the city is laid out there is a lot of property that is zoned commercial that does abut residential neighborhoods and while we really can't go back and undo that. If you own commercial property you have a right to develop it the way it is zoned unless the city wants to pay out some big dollars. You have an investment backing/expectation in what you purchased but I think that the city also has a compelling interest in making sure that any commercial development fits in with the nature and the character of the neighborhoods without limiting the type of building that can go in or the business that can go in and making sure that when it is constructed that it is aesthetically pleasing and landscaped nicely and maybe screened somehow from the neighborhood. Chairman Smith advised I would have to go back and look and see what the intent was. Service Director Smith offered I think that was brought up when they built the apartments on Abbe Road – Fraam's. Chairman Smith stated no – this was 2004, I think this had to do with Gamer's with the storage buildings. Law Director Graves stated that would make sense as this would have been right after the whole storage unit thing went in and it might have a measure saying in the future we would like to have some additional review.

CITIZEN'S COMMENTARY:

Mr. Ed Rinderknecht, 4669 Edgewater Drive stated I would like to thank Law Director Graves for bringing the issue up which I certainly and many of us that

just love Sheffield Lake think is appropriate. Not looking at this in a retroactive manner as the Law Director mentioned wouldn't effect buildings in place nor would it effect the review of pending applications; things of that nature. You know if this city will continue to draw great development an Architectural Review Committee if it is in fact restricted at this point to accessory buildings. If it's review is expanded to primary structures, I think it will pay tremendous dividends as we move forward with the development of our city. Whether it is adjunct to the Planning Commission as Law Director Graves has indicated may be the case or a separate standing committee to populate that committee – there are many folks that would be much more inclined to volunteer service if it is extended to primary structures. I would encourage you to take that under advisement and if in fact it could be extended to primary residents then I think that suitable candidates would come before the Mayor at his discretion to appoint to such a committee quite separate from the Planning Commission. Chairman Smith advised I will have to get with Kay to pull the minutes from that time and in fact I will bring it up at the next Worksession. By then we should have a pretty good idea of whether that was strictly accessory or not, if it is just accessory then we will get everybody's thoughts on it and if they want us to address it then we will bring it back next month and start discussing it. *Motion by Kovach/Second by Smith to add to Tuesday's Council agenda for a first reading. Yeas All.

All ordinances before Council at this time:

Council#001 – FIRST READING – an ordinance authorizing the Mayor to enter into a sanitary sewer and access easement agreement with Speedway LLC and the declaring of an emergency.

Law Director Graves explained once again as part of the proposed Speedway demolition and reconstruction and expansion which is set to begin in March, the plan that has been submitted requires that Speedway have an access easement granted from the city off of Community and that the city also be granted a sanitary sewer easement from Speedway for the maintenance and access to the sanitary lines servicing the property. You have got 4 or 5 pages of diagram's and descriptions and we do have a draft agreement that is pretty straightforward but this would authorize the Mayor to enter into that agreement to make that exchange of easements. The city is granting Speedway an access easement and Speedway is granting the city a sanitary sewer easement. Service Director Smith advised there is a sewer out in the front bay area right in the middle of their lot, it is an existing sanitary manhole which takes sewer from Shoreway over by Chase and then transfers it to that manhole which then also takes from the north side of Lake Road. The manhole is actually in the middle of their drive-thru lane on the outside pumps and I believe that is what they are talking about. It is the city's right to maintain that manhole. The committee reviewed the attached diagram's.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Smith to adjourn at 7:34 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 January 3, 2013.

CHAIRMAN

Alan Smith

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott