

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
October 2, 2014

This regular meeting of the Ordinance Committee was held Thursday, October 2, 2014. Chairman Kovach called the meeting to order at 7:08 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, McCullough, Erdei, Mayor Bring, Service Director Smith,
Law Director Graves

MINUTES: September 4, 2014, *Motion by McCullough/Second by Erdei to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

CORRESPONDENCE: **None.**

OLD BUSINESS:

Industrial District – **None.**

Subdivision regulations – **None.**

Water deposits – Chairman Kovach advised after a discussion at Worksession it was decided that at this time we have ordinances on the books that will cover what we feel we need to do and at this time we are going to remove item c from the agenda.

REMOVE.

Housing Study/CRA zone – Law Director Smith advised I had a meeting with Lorain County Community Development and they are going to assist us in this. They have actually assigned 2 staff people to this project. I went over and met with them yesterday actually and provided them with a lot of information about Sheffield Lake; our demographics, our housing stock, code violations. Also provided information from the Building Department showing that since 1999 for the last 15 years we have really only had 1 housing development which was the Gilfeather project and the rest were housing stock which is aging. Also in that same course of time there has only been 3 new commercial buildings constructed and that would be the new Speedway, the new Subway and the Landscaping Company. The point of the housing study is to demonstrate the city has suffered from a lack of development in residential/commercial so I think they have enough and they are going to help put that together. I think I will have a draft within 2 weeks and hopefully have something to Council by the end of the month. Once that is approved we can get that to the State and once they sign off on that we will get an ordinance designating the city as a community reinvestment area and be able to start entering into agreements with businesses who want to construct or expand for tax exemptions. I think that we are on a good track now. They have graciously offered to help with that so we are taking advantage of that resource.

NEW BUSINESS:

Solicitation ordinance – Law Director Graves advised I can tell you what I have looked into; first off communities are being very reluctant to touch this issue because of the gray areas with the canvasser's that are religious, political, charitable type of entities that go door to door under the auspice's that they are providing information but then they also ask for a donation. Those you really have to be careful of regulating, they are protected under the first and fourteenth amendment and you can put reasonable restrictions on them but you got to be real careful. Now we can limit the peddlers and door to door sales if they are strictly a peddler in door to door sale we can require a fee in the application. I am going to tell you that I looked at a lot of other ordinances and most of them are right where we are – most of them are in the \$10.00 range. You can't prohibit them and I don't think we could raise the fee to a point where they would effectively be prohibited. So it is up to you if you want to consider raising that fee from \$10.00 to another reasonable number. I think that we need to be careful with the purposes you know saying why we feel that that is necessary and what we think that increase would accomplish. Councilman McCullough stated I think it is not the fee that we are concerned with, it is the amount and not knowing where they are at right? Mayor Bring advised we just had another episode the other day, we did have a lot of complaints because they were selling cleaners. We had a tremendous amount of complaints again. Councilman McCullough stated the problem is when somebody says I have the Mayor's signature here. Is there a way we can ordinance against a copied signature of the Mayor or a City Official that would have to be a blue ink – a different color from what they are using – actual signed copy. Law Director Graves explained they have to apply for this permit from the city signed by the Mayor and if the consensus is that it has got to be an original signature not a stamped signature – that is very easy to implement. If we do have problems and complaints that permit can be revoked if it turns out that they have felony convictions and not the kind of people that we want doing this. The other thing is you have to remember residents can always be encouraged to put a “do not solicit” sign on their door and peddlers and solicitors have to comply with that. Some communities have taken it out altogether and just said we are urging our residents to put “no soliciting” signs on their doors. Chairman Kovach stated so what you are saying is we are pretty much where we are going to be with the exception of possibly cleaning that language up a little bit. Law Director Graves stated it is the same as Avon Lake. Mayor Bring asked what about Bay Village? Law Director Graves answered, I think Bay had that 7 pm for all and they challenged it, I think they had to make it later. Some of them had dark and they say, well at night and in the winter it is getting dark at 4:30 or 5 o'clock and people aren't home from work and we are not going to be able to reach our target audience. We have to be able to spread our message. Councilman McCullough advised the problem I have is the last one I seen was Piskura's and I think this was after John had pretty much resigned himself. I was like where did this come from because it was a copy. Mayor Bring stated it is the same thing they do with mine. Councilman McCullough stated it is

just concerning that people go well, I have the Mayor's signature right here on this "looking like legal document". I am thinking if we just require that they have to have an original, at least somebody somewhere – even if it is a post-it-note to him and it is a quick thing, hey, can you sign this – this is what they are doing and he doesn't have to read the whole thing. Or even the Law Director, something that has an original signature on it from a member of the Administration. I think that would kind of slow it down I think. That way, when somebody questions it and says I have a copy here we have it on file – well no that is not what we agreed to, what we agreed to is you have to have an original signature. So the document would be done in black and whoever signs it in blue. We know that that is not a copy, we know it is an original. Mayor Bring stated that is not a bad idea actually. Law Director Graves stated a lot of time these people want it done right away. Councilman McCullough stated I realize your plate is full. Mayor Bring stated I am here every day. Law Director Graves stated the application when they turn it in, it takes a day or two sometimes to review it. The Police need to look into these people and much sure they don't have outstanding felony warrants, you know we are sending them out door-to-door. I think in the course of that it could be presented to the Mayor for an original signature. Service Director Smith stated remember sometimes the vans come through with 8 to 12 kids in the van and they drop 2 off at each street. Law Director Graves stated we had where 10 people walk in here and we copy every single one of their driver licenses. Anybody that is going door to door has to fill it out and everyone of those will get checked on individually. So it is not like one guy gets looked into as a representative for everybody else. Councilman McCullough stated, but that is what happens. Law Director Graves stated if they knock on a door, they should have an individual permit. Councilman McCullough stated I don't know if we need an ordinance for that or just a policy change. Chairman Kovach asked do you feel that that ordinance could use cleaning up though David – language wise? Law Director Graves answered not really, I think it is fine. I think that right now we don't really have a limit on the canvassing, if you wanted to say for canvassing for religious or political 9 o'clock. I could try to come up with it to make it consistent with what the Federal Courts have upheld for canvassing for political purposes, religious or non-profit. The 7 pm cutoff for peddling and soliciting – I think that is fine, I think that we have a penalty of fourth degree misdemeanor - if someone were to knock on a door that has a no solicitation sign. Councilman Erdei stated does all the cities around us have like a \$10.00 fee. Law Director Graves answered our fees are very consistent with what other communities have. Councilman McCullough stated the fee was never the problem. Law Director Graves advised I thought the proposal was to raise the fee? Councilman McCullough stated the problem was trying to control them, not so much the fee. Mayor Bring stated my thoughts were that we raise the fee that it would control them a little bit but apparently not. Chairman Kovach stated in that argument – what David said earlier we would have to provide a reason as to why we would raise the fee. Mayor Bring stated because

that is what we think is reasonable. Law Director Graves stated the fee has to be justified with something. You could say based upon the additional time and energy it takes to do these background checks. Mayor Bring stated then the girls have to actually type them out for the seal and it all takes time. Councilman McCullough stated and now we are going to ask the City Official to sign the thing in ink and there is only one original copy. Chairman Kovach asked what would you think would be excessive? Mayor Bring advised I think it should be \$25.00. Councilman McCullough concurred for some reason that is stuck in my head too. Councilman Erdei also concurred it sounds good to me, \$25.00 isn't excessive anymore. Mayor Bring stated it is not outrageous. Law Director Grave advised it is not a flat \$10.00 fee. It is \$5.00 for one day, \$10.00 for a week, \$15.00 for a month and \$25.00 for 6 months and \$50.00 for a year. Councilman McCullough stated, oh no – no. Mayor Bring advised see that is where it gets into that \$50.00 for a year and they keep that signature - that is a problem. So the \$10.00 a week permit is now \$25.00. Law Director Graves questioned we are charging \$10.00 per person right? Chairman Kovach asked how many annual permits do we get? Mayor Bring advised we have only been charging a flat \$10.00 fee period and it doesn't matter how many people there are. Law Director Graves stated that should be per person. Mayor Bring stated that is what I am saying they haven't been doing that. So that is another thing. Law Director Graves advised maybe we don't need to raise it, maybe we just say everybody that knocks on a door needs to pay this \$10.00 fee – not the organization. Mayor Bring stated that is all we have been charging is the \$10.00 for the whole organization. Law Director Graves stated then that is the way we should do it so if you have 10 people it is \$100.00. Each one of those people gets a background check and each one of those people is going to be knocking on someone's door. It is not like they are under the umbrella of the organization. Mayor Bring stated that is even better than what we decided; what Kerry said about the original signature and what David just said about \$10.00 per person. Chairman Kovach asked do we want to eliminate the annual? Mayor Bring and Service Director Smith agreed we don't need an annual. Law Director Graves advised here is another example of where our code is inconsistent; under the fee schedule we do have a one year amount of \$50.00 but then the previous section says "6 month limitation - in no case shall any registration be valid for more than 6 months". We should eliminate the 1 year fee. Chairman Kovach asked don't we want to eliminate the 30-day and the 6 month and just do a weekly? Councilman Erdei stated yes. Law Director Graves clarified so the next week they would have to come in and renew it for another \$10.00 a piece. Service Director Smith advised they are going to collect the same amount of money going through the city again or have the potential to. Law Director Graves clarified so eliminate all but 1 day and 1 week? Mayor Bring advised I think that is good. Law Director Graves advised now that I am reading this thing it is written kind of funky. Instead of just being clear as to the types of entities that apply. It kinds of reads this is for everything and then it creates an exception. Rather than just say it only applies

to peddlers and door-to-door sales, which is really all we are regulating. It applies to everything but then there is an exception and then over here it is the same thing and then an exception - so it is clunky. Councilman McCullough stated, let's make sure that we protect like our schools, for like when they sell the cardinal cards. Mayor Bring stated absolutely. Even though they are non-profit, the people selling them really aren't non-profit – they are making a profit. So they don't fall under that guise. Service Director Smith stated do you just put peddlers and whatever and this applies only to them. Chairman Kovach advised you have a blanket there because the kids that are selling pizza cards, the Scouts selling popcorn. Law Director Graves asked are they considered non-profit? Councilman McCullough stated the people they are selling it for making a profit. Service Director Smith stated maybe local community organizations? Councilman McCullough stated you are right except for the Boy Scout popcorn – that all goes to the Boy Scouts of America through Boy Scouts of America. Law Director Graves reviewed charitable is defined as patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civil, fraternal, veteran's medical and social research, either actual or purported. Service Director Smith advised can't you just make it like certain exemptions apply to local charitable groups. Law Director Graves clarified for changes; fees; delete everything except for 1 day and 1 week, which will keep at \$5.00 and \$10.00 but we are going to clarify that they go to each person and each person is a separate application and separate fee – not the entity. Councilman McCullough stated make sure to also include must have original. Chairman Kovach asked what about where you said it was conflicting – the language? Law Director Graves stated if we eliminate the 1 year there won't be a conflict anymore. The conflict was this has a license for 1 year and this says limit to 6 months. Councilman McCullough advised say they are here for an entire 26 weeks, they can't be here the 27th week. Take the 6 months out because we are getting rid of it with the weekly. Now you want to be a limitation on consecutive weeks that they can be here I could see that – no more than 5 consecutive weeks in a 6-month period. Mayor Bring advised I think the original signature and \$10.00 per person is going to help tremendously. Councilman McCullough stated the only thing is that once the word gets out on that then you are only to get their pushiest sales people. Chairman Kovach advised at that point we can put out through the media that we highly encourage people that don't want to be solicited to put out a no solicitation sign. Mayor Bring advised we can put that on our website too. Councilman McCullough stated I start-off the beat and path and they just usually walk by. Mayor Bring quipped I got 2 dogs and they completely ignore me, they come in the driveway and see the 2 dogs and turn around and go.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

Council#050 – EMERGENCY – a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this committee,
*Motion by McCullough/Second by Erdei to adjourn at 7:41 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

CHAIRMAN
Chairman Steve Kovach

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 October 2, 2014.

COUNCIL PRESIDENT
Rick Rosso

and/or

COUNCIL PRO TEM
Alan Smith