

**Minutes of the Ordinance Committee meeting**  
*Sheffield Lake, Ohio*  
**October 1, 2015**

This regular meeting of the Ordinance Committee was held Thursday, October 1, 2015. Chairman Kovach called the meeting to order at 7:14 PM.

**ROLL CALL OF MEMBERS:**

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

**MINUTES:** September 3, 2015, \*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.

*Building Permit fees* – Chairman Kovach advised we did hold discussion at Worksession and it was decided that all we were going to change at this time was the rate for the occupancy permits but we will be keeping this building fee schedule on our agenda and we will discuss it at a future meeting.

**NEW BUSINESS:**

***Tampering with water meters/Opening vaults*** – Member McCullough stated I think that if anyone goes into a vault whether they tamper with the meter or not, it has got to stop. Mayor Bring advised there has to be some type of a fine. Law Director Graves advised we have a penalty right now don't we? Mayor Bring answered it is very minimal I think. Law Director Graves advised is it a criminal offense, a minor misdemeanor or something like that. Member McCullough stated with the new water meters they can't take one and move it somewhere, right? It will show up on the report. Mayor Bring answered yes it shows tampering, but the fact is if somebody goes in there and lifts those manhole covers like they do over in Irving Park and things like that. When the water gets high sometimes they will go and lift one of the manhole covers, if there is a meter on there to drain water they will pull those wires off and ruin it. If somebody goes in, if there is a contractor and there is a house that is vacant and he decides he wants to go in and shut the water off or turn the water on and pulls those and tampers with that he will ruin that. I think in Avon Lake it is an automatic \$1500.00 fine. Member McCullough stated how much are the water meters? Mayor Bring answered \$400.00 and some dollars apiece. Member McCullough stated so \$1500.00 is probably covering barely cost. Mayor Bring advised by the time you have somebody pull it out and get another one and do all that stuff. Member Erdei stated I agree with the fine, but the only thing is proving it. Are you going to put a fine on the owner of the house or he could say I don't know what happened? You would have to be pretty clear on that. Mayor Bring advised we

can add it right to the water bill. Member McCullough stated ignorance is not bliss, just like speeding through a school zone “oh I didn’t know school was in succession” – sorry, it is not a defensible argument. Law Director Graves advised we had a situation where some contractors were doing work at a house where the water was shutoff. Mayor Bring added it was a brand new house. Law Director Graves continued it was an open pit, but somebody opened the pit and turned the water on and was using it for whatever. Then when we found out about it it was well who did that and there was a lot of finger pointing and it was this guy or that guy or who was on scene that day. Then the boss came in and he was ready to take responsibility for it. Sometimes it is difficult to prove. Mayor Bring stated normally you take something like that and you put it on the water bill, then somebody is going to start talking. You start adding \$1500.00 to a water bill and it doesn’t get turned back until that is paid somebody is going to talk because basically if a renter goes and does that or whoever is there somebody tampered with it. You just don’t go into a water pit and do this for no reason at all. Member McCullough stated I would say can we send that to Worksession and get the ball moving on that. I mean we got these new meters coming and we are not going to have this done by the time they get installed right? Mayor Bring stated the new meters should be here within a week or two at best and then they are going to start installing them immediately. Member McCullough stated so this legislation isn’t even going to be in there. Mayor Bring stated again it is up to you guys. Member McCullough stated I would like to do something to protect this at best. That is just me it is your committee I would try to get this moving Steve. Chairman Kovach advised Kay if you would refer this to Worksession agenda for the next meeting for discussion amongst Council Whole.

***Ordinance mandating for water service if you reside in a home*** – Member McCullough stated again this is one that, I don’t know how you guys feel about it but somebody gets in a little bit of trouble and a neighbor runs a hose and that is fine for a day or two. I know somebody who used to live over on Maple who is deceased who kept feeding a house water. Mayor Bring advised we got one on Lake Road right now that has been living there for a couple of months. Member McCullough stated we had that one that lives next to my Mom and had no water. That almost falls under the Health Department wouldn’t you think? Mayor Bring answered we have called the Health Department several times on several issues, they are probably overwhelmed with everything and they kind of don’t really bother with that. Member Erdei stated I don’t know that is kind of tough either way you look at it. I am for having something in place though, can’t we make the homeowner responsible. Wherever that feed is coming from? Member McCullough stated it is still the same thing it is liability. Member Erdei stated well the money. Member McCullough countered the money is getting paid, someone is paying the money that isn’t the point. I think how this originally came up is we are trying to increase values and if everybody didn’t get that cold wet slap in the face a month ago when your house went down in value. I know people over on Holl Road in that subdivision they were

saying that some of them went down \$22,000.00. You have to protect the values and you got to protect the taxpayers and as long as people are allowed to live in a place without water you are guilty by association. That could be happening over on the east side of town and we are paying the bucks. Law Director Graves stated you start throwing people out of a home though. Mayor Bring stated the thing of it is though if you get a vacant building or if somebody just wants to go in there, if we don't have anything on the books saying if you don't have this or you don't have that what stops them from moving in. What stops them from pitching a tent and saying I am going to live here and I don't really care what you do. Law Director Graves advised here is the thing, if you are moving into a building then it would require occupancy and you would require an occupancy permit and there is an inspection that goes along with that. If we can require that on that occupancy permit that they have a functioning water account. You know you can't occupy a building without water. But once let's say a family is living in a home and they get delinquent on their water account and let's say the city shuts the water off I don't know how we go in there and throw those people out of their home. I mean are we going to go to court and seek a court order that they have to leave their home because they stopped paying their water bill. Member McCullough stated David here is the deal and I am going to give you a perfect scenario and this isn't even a scenario, this happened. A landlord somehow on a piece of trash property gets an occupancy permit and somebody lives there for 3 months and the landlord don't pay the water bill. The people say screw this we are out of here and the landlord pays one month to get that water turned back on and doesn't do a credit check on people because he knows that these people would never qualify to rent anything and over charges for that property. Those people move in and 2 months later when they don't pay their bill he doesn't pay the water bill and the water gets turned off and they continue to live there. They are urinating out the back window and throwing dirty dishwater out the back window and letting stuff back up in the basement. We don't have an occupancy permit because he got his occupancy permit and it is good for at the time 2 years. Law Director Graves stated that is kind of what I was saying is you have got tenants who rely on landlords to pay the water bill and the landlord stops paying the water bill and now you are going to throw the tenants out because the water is shutoff. They didn't do anything wrong. Member Erdei asked how does Lorain handle it? Law Director Graves advised that situation is going on right now in Lorain with that trailer park, it was in the paper. The City of Lorain is making the owner demolish the hotel and I think he is walking away from the trailer park that accompanies this hotel but he stopped paying the water bill so the city shut the water off. All the residents of the trailers are now without water, it is a private landlord/tenant. You know they have to sue their landlord for violation of warranty of habitability and you are being constructively evicted. It's tough because you know its "I will get caught up on my water bill next month". I think tying it to the occupancy is the key. Chairman Kovach stated I think that is the only legal and viable solution to it. Law

Director Graves stated once you are out of a property for a period of time and the water gets shutoff and the home is essentially vacant – before you go back in you are supposed to get a re-occupancy certificate. Member McCullough stated then why don't we do this, tie it to the occupancy but once the water get shutoff before they get the water turned back on they need a new occupancy permit and then just tie it to the occupancy. That will stop the crap of I have 2 years and I can let the place just go to crap for 2 years, which is what happened next door. Mayor Bring stated you got the nice house down there and he doesn't care if he has an occupancy permit because it is a nice house and he doesn't have any water so he is residing in this place. So how is he able to take a shower, how is able to go to the bathroom and where is this all going. Member McCullough stated well it is going in our sewers. Mayor Bring stated so if 5 more people decide they are going to live in that residence then what do we do and if 5 more after that want to come in there. That is my point. Law Director Graves stated I don't know how he is living there. Member McCullough asked what house are we talking about? Law Director Graves answered where the meth lab was. Member McCullough stated well, that is partially owned by the lawyer that is partially owned by Duff now. Mayor Bring stated but that gentleman is still residing there that still lived there and he has no water. We took the water meter off because there is \$2000 and some dollars back on the water meter and nobody will pay the water bill and we took the meter out. The meter got turned back on and we found out so we took the meter off completely and it has been without a meter for almost 2 months now, but he still lives there. Law Director Graves advised the water bill I believe has been certified over to the tax bill. So the water bill will be put on the taxes, but apparently someone is living there with no water. I don't know how he is going to the bathroom and I don't know how he is taking a shower. Member McCullough stated well he has got that 13.9 billion gallons out his back door. Law Director Graves stated that is a lot of lake water to boil. Mayor Bring stated he doesn't have to drink it but he carries in buckets and that is how he flushes the toilet but I don't know how he is taking a shower. Member McCullough stated I do, when that house was built that guy put in a pump to water his grass with lake water. He has pumped that water right into the house. That is where he is getting his water from. That house is built with a pump to suck in lake water to water the grass because it was cheaper than putting in another meter. Law Director Graves stated that water going down the drain is incurring sewer charges but he is not getting a water bill because it is shutoff. Mayor Bring stated exactly we are paying for it. Member McCullough stated so he is defrauding the city. Mayor Bring stated that is exactly my point. Law Director Graves stated we can still charge him the sewer. Mayor Bring stated how do you know? We charge the bill by the water, I mean that is how the sewer rate goes. Law Director Graves stated yes you don't monitor what goes down the drain. Mayor Bring reiterated we are paying for it. Member McCullough stated so he is defrauding the city too. Law Director Graves stated we would have to prove that he is actually doing that too. Mayor Bring stated

if 5 more people want to move in there with him we are not going to stop him? That is my point. Member McCullough stated if he can cook meth he can clear that water enough to take a shower. Chairman Kovach advised this one I believe we should leave on for discussion for a while. I don't see a point in referring this one to Worksession at this point. Law Director Graves stated even under my original thought this house would require it, we could push this issue and it would require re-occupancy because the house sat vacant for a period of time with the water shutoff. Member McCullough stated my thoughts it would require it because when the new owner took that as partial payment, you have a new ownership. Law Director Graves stated that is the other thing that the person that is residing there is not the owner. Mayor Bring advised well he was. Member McCullough stated then that falls under the rental part of occupancy. Mayor Bring stated the new owner said what is the difference of him pitching a tent or living there and if I want to let him live there and he doesn't care about the water then who cares. That was his comment. Member McCullough stated not a problem but you have legal rights though for re-occupancy permit that he has to have and even if he let him live there, it has been more than 2 years now right? So it is due again regardless whether they did it when he assigned that over or not, follow what I am saying now? You have the right to go in and now you can find out where the water is coming from and you can see the pump running to get the water. Mayor Bring stated technically it would be a rental property right now. We can ask for an inspection. Member McCullough stated there has got to be a way around it. Law Director Graves stated well it is an odd situation, which always happens when this particular attorney is involved. Mayor Bring stated that is the problem when you get somebody like that who wants to push the envelope, we need to push the envelope back somehow. Law Director Graves stated the guy living there is still married to the woman who is still half owner. It is the wife and the attorney that own it. Chairman Kovach stated I believe in this state that gentleman still has dower rights to that property. Law Director Graves stated it is marital, whether he is on the deed or not it is marital property. Member McCullough stated still it is an ownership that changed hands and said third party come in, you still have the legal right to say hey you never got an occupancy permit it is time we get an occupancy permit. You still got a door to get in there and I am telling you I think you will find once that lake freezes he will be looking for water. Chairman Kovach stated I think the only thing you can do is use what you already have on the books to go as far as you can. Law Director Graves stated we can require him to get a re-occupancy inspection. I don't know that there is anything specific on the books tying functioning water occupancy. We can certainly include that, I don't know what they look at now they have a list. The inspectors have a list and certainly functioning water would be one of them. So we could go at it that way. They are required re-occupancy and he hasn't got it. Member McCullough stated you got to remember the water you drink, all they do is get it from a mile out and they run it through a couple of filters and that is what goes into your body. I know that house has a pump.

***Vehicles on commercial properties*** – Mayor Bring stated now we have a semi that has been parking there every night, same property. Member McCullough asked is the bus still for sell? Mayor Bring stated the bus is still there and now we have a semi there every night. Member Erdei asked where? Mayor Bring answered Duff’s Corners, so now he is allowing a truck to park there – a semi. It is just an on-going thing that is ridiculous. Member McCullough stated it is my understanding that donut-ville is rented. Mayor Bring stated they have all their permits for that, I am talking about the parking lot. That is just one of many because we also have other properties around here that are doing the same. Member Erdei asked we have a time limit on anything like that for people putting stuff on people’s commercial property. We don’t have nothing on the books where you have to have so many days or you have to remove it. Law Director Graves stated it depends on the kind of vehicle if you have long term storage of motor vehicles and things like that is probably not zoned for that. There is probably a zoning issue there with long term storage, now if it is just a car and it is there for a short period of time maybe somebody is trying to sell a car. But long term storage it is probably not zoned for that. Now if it is a huge semi-tractor trailer. Chairman Kovach stated well the bus has been there for about 60 days, but then if it is a semi-truck that is leaving every day. Mayor Bring stated it is no different then having the boat stored at the old drive-thru. Member McCullough stated the boat is gone, well it goes and comes. It will be gone and then the trailer is there for a while. Mayor Bring advised again if we ever want to clean this place up and stuff we got to start thinking about this stuff. It just gets frustrating because we can’t say a word about it. Then you got people calling and saying are you ever going to do anything in this city and this is what I hear. Then when you try to do something there is nothing there that we can do anything with. Chairman Kovach stated I guess we can send that one to **Worksession for discussion**. Mayor Bring advised I would like to hear everybody’s ideas on this because I am kind of at a loss to be honest with you but I think we have to do something. You can make them register. Member McCullough stated I don’t see it as a problem but the reason I don’t see it as a problem is I guess I am just so used to it. It is one of those things that you have just been beat into and you just go with it. Mayor Bring stated I know you can’t do it in Bay Village and I know you can’t do it in Rocky River and I know you can’t do it in Avon Lake. Member McCullough stated I know it is not going to be done before I am off of Council but I can see the need. The flip side of that is he owns a lot of property and pays his taxes. Mayor Bring stated no he doesn’t, he is \$23,000.00 in back taxes by the way. Chairman Kovach directed the Law Director to research information from any of the communities that the Mayor brought up and then we can bring that list and go from there.

***Pool ordinance*** – Chairman Kovach advised we have had several discussions on this matter and you brought up many good points in regards to this. In fact the ORC that he was championing was actually about in-ground pools with the trip latch and all that. Member McCullough stated that was above-ground too. Law Director Graves

stated the code that he provided was a model code, it was a national model code – a recommendation. The current Ohio code under the residential code of Ohio you are required for in-ground pools to have the fence around the yard without latching your gate. But for aboveground pools 48” high or taller there is no fence requirement at all. Other than that there are removable steps so our ordinance which requires the fence around the yard or the alternative for aboveground pool is 48” we require the removal steps and a fence around the top of the aboveground pool which is actually more restrictive than the state code. Member McCullough asked is it a specific fence around the top of the pool. Law Director Graves answered there is no specific language, it just says a fence. Member McCullough stated so he can put one of those little picket fences. Chairman Kovach stated is it really a picket fence or did he put up the lower, I mean we haven’t gone over to look at that and what he is declaring as a picket could be the small bar steel fence which is only about 18” high but it is above the pool and attached. So what he is calling a picket fence is actually probably something that was purchased at pool store. Law Director Graves advised you can go online they have lots of different ones, they are 18” to 24” or you can get them taller. Chairman Kovach stated the strongest point that we have to make is that even if we were to change this ordinance, this gentleman in question if he complies with it right now would be grandfathered in and nothing could be directed towards him. Unless I guess at the time a pool would be taken down and a new one put up or something like that but that doesn’t happen very often. Law Director Graves concurred he is compliant with the law so we are not going to be able to put additional financial restrictions on him in which he wasn’t legally required to do. I think that this committee would decide to go forward with these 48” tall aboveground pools if you want to require a yard fence. Chairman Kovach stated again that would only effect those going forward. Law Director Graves stated we don’t legislate for a single person we legislate for the good of the community. So you would have to decide going forward that is a safety concern. Member Erdei stated I think one of the major concerns is with Mr. Alexy and I can see his point a little bit is we don’t have nothing in the books on these removal steps. If they flip up and down, if there is some way that they can secure them to where a kid can’t really pull them down to get into the pool. Member McCullough stated his pool is not everybody puts them up, that is his point. Law Director Graves stated again you can’t legislate for every contingency, I mean there is lots of situations where “what if” the neighbor does this or that. Chairman Kovach stated the point is if that person had the steps but they did not put them up that becomes a violation of the code. Member McCullough stated it also becomes criminal. My point is and this is what I think, rewrite it to where any ladder or entry area of the pool has to have a minimum of 64 square feet which would be 8 X 8 gated area that the gate is automatic self-closing. The latch shall be located 18” above the top of the gate or whatever where you actually reach over the 4 foot so it would be 54. I am trying to think now what it is at Old River Yacht Club because we went through their thing and I thought oh this

is the type of gate they are looking for and you had to reach up. I will bet you that was pretty much 5-1/2 or 6 feet in the air. Where you reached up and you actually pulled the latch from up here and you pushed the gate from down there. So if we would rewrite that to where there is a minimum ladder area – that that area has to be fenced and gated with a self-closing gate. The gate may not be propped open in any way and has its own separate. Member Erdei stated the only there is they can use the fence to climb up. Member McCullough stated if they can use the fence to climb up they probably can swim. If that is the case then you put a 4-foot fence around the backyard and if a kid wants to climb over that fence to get to somebody's in-ground pool they are going to climb the fence to get to the pool. Chairman Kovach advised they climbed Alan's 4 foot locked fence to get to his 4-foot aboveground pool and were all happily swimming in it while he and his wife were at work. We already had that part of the discussion. You can legislate until you are blue in the face. Member McCullough stated like I said if you want to add some teeth to it and make it uniformed, ladder area because below 48 inches they have to have a fence around it don't they? Law Director Graves answered yes right. I think you can continue to discuss it. Chairman Kovach advised we will keep this one on. To your point the swimming season is just about over and we have time to discuss this now. I do not believe that all the ordinances in the world will appease the situation of Mr. Alexy who brought it here.

Law Director Graves stated this may have been brought up the last time and nobody could remember what it was for. He continued in 1992 the city established a street lighting fund and basically when a new home is built they had to deposit \$100.00 with the Finance Director in the new street lighting fund which would be utilized only for street lighting purposes within the city. This fund has accumulated over the years and has a decent amount of money in it and the Superintendent is requesting that we consider allowing that money to be utilized for safety traffic control; like lighted traffic control devices basically expanding the use that that line is for. Right now it is only to be used for street lights and if we could use that for illuminated traffic control devices we could do some good things like maybe illuminated crosswalk. There is different things that we could do so they are just asking to expand the use of that money for illuminated traffic control devices or safety traffic control devices. Member Erdei stated I am right across from the Boat Ramp right by the Library, wasn't there at one time like 25 years ago or 30 years ago there was a blinking yellow light above? Law Director Graves stated 25 years ago? Chairman Kovach stated there weren't any flashing lights crosswalk wise, that crosswalk was put in. Law Director Graves advised there is a crosswalk that Bill Gardner when they paved he had it actually imbedded into the road; it is a permanent stamped crosswalk into the street. It needs to be repainted but there are signs there but those signs. Member McCullough stated it is a crosswalk to nowhere. Member Erdei stated it goes into the shopping center grass. Law Director Graves stated to the sidewalk. Member McCullough stated what sidewalk, the city bought that and they never put

the sidewalks in that they were required to do so when the ownership took over. My point is they are walking in the grass David. Chairman Kovach advised technically they are walking into the bike path. Member McCullough stated your question, wasn't there a flashing crosswalk there 25 or 30 years ago? I think there was about 30 years ago. Member Erdei concurred when I first moved into this town there was one. Member McCullough stated back in the 80's, I don't think it was there when Hardee's was there but I do remember a crosswalk sign lit and I want to say it was up by Dairy Mart and the shopping center. Law Director Graves advised the question is do you want this fund to be continued only for street lighting purposes or do you want to expand the use for illuminated traffic control devices? Member Erdei stated in my opinion I would say expand it that way we would have better use out of it. Law Director Graves advised don't hold me to this but I think there may be \$17,000.00 in that fund and that could be totally wrong but that number seems to be in my mind. Member McCullough stated well if it was passed in 1992 and \$100.00 per dwelling and we had Mariners Watch, Hollyview, Gilfeather project and you had the stuff down on Devonshire going on and the Garrant project. Chairman Kovach stated on Hollyview, there was one house on the street prior to 1992. He built 3 models and I was like the 4<sup>th</sup> or 5<sup>th</sup> house that went up and I bought in 1993. Law Director Graves advised I think my old house on Hollyview was built in 1992 or 1993. Chairman Kovach advised yours was a model. Law Director Graves stated so in 1992. Chairman Kovach stated I actually went on Valentine's Day and looked at the house, February 14<sup>th</sup> so the 3 models were built prior to that and this probably was established just about that time. Member McCullough stated although we don't pay for street lights do we? The electric company just comes out and puts them up. Chairman Kovach answered they may have done this in design because that street did not have lights and we have the decorative post lights. Member McCullough stated I say we put it in front of Council in a Worksession just make sure. **Refer rewriting Ord#85-92 regarding street lighting to Worksession.**

**CITIZEN'S COMMENTARY: None.**

**All ordinances before Council at this time:**

Council#055 – SECOND READING – an ordinance amending section 1345.07 of the codified ordinances of the City of Sheffield Lake regarding fee for re-occupancy certificates and the declaring of an emergency.

**MEETING ADJOURNED:** With no further business before this committee,  
\*Motion by Erdei/Second by McCullough to adjourn at 8:07 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.

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**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 October 1, 2015.

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**CHAIRMAN**

*Steve Kovach*

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**COUNCIL PRESIDENT**

*Rick Rosso*

*and/or*

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**COUNCIL PRO TEM**

*Alan Smith*