

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
January 7, 2016

This regular meeting of the Ordinance Committee was held Thursday, January 7, 2016. Chairman Kovach called the meeting to order at 7:20 PM.

ROLL CALL OF MEMBERS:

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

Attending: Park Board Member Joe Gee

MINUTES: December 3, 2015, *Motion by Erdei/Second by Gee 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 this was sent back from Worksession. I had no problems with the adjustments that they had in there, they made sense and I don't think that in reviewing them but having them here this evening though I believe that there were more that were addressed down then were up but I am not sure exactly what we had. Councilperson Gee asked isn't this what was discussed almost a year ago about raising or lowering some of the fees now that we have more going on over there with the Building Inspector. Chairman Kovach answered I don't think it was a year ago. Councilperson Gee stated April or May and we talked about the fees before he started and he started in April which is when he started and took over. Chairman Kovach stated well again it is here for our pleasure, we can leave them on and put it in the form of an ordinance if we so desire. We can leave them as status quo. What is your feeling on this Dave? Law Director Graves stated I am trying to remember, when it went to Worksession Council as a Whole indicated what? I thought that they weren't at that time to crazy about entertaining changes. Chairman Kovach answered pretty much. Law Director Graves stated they had attached some comps right? No actually didn't they put together a proposal for where ours should go? Mayor Bring answered yes they did. Law Director Graves stated do you still have that proposal? Councilman Erdei stated a lot of people want to let it go for a year or so before we discussed it anymore. Law Director Graves stated many of the proposals were actually decreases, some were increases and the concern was that it looked like as soon as SAFEbuilt came in their fees are tied to fees and that they are just trying to immediately increase what we pay them and we had just signed the agreement. They knew what our fee structure was when we engaged them so that they ought to stick with it for a while. I think that a lot of our current fees are not in line with where they probably should be ultimately. There is

a few that are very low, the occupancy inspection for one I think. Mayor Bring stated I thought it was only \$25.00. Law Director Graves stated Council did change that recently for the re-occupancy, it was \$25.00 for re-occupancy and they made that \$40.00. Even so for the time that Inspector has to stay in there and do any kind of real inspection, \$40.00 for that is pretty low. Councilman Erdei stated I have no problem with the way it is printed out right now. Chairman Kovach stated perhaps we probably should let it set a couple more months because if we bring it back it would be like beating a dead horse so to speak. Actually how are they doing building fee wise, whereas we were losing money over there, are we holding our own? Mayor Bring answered obviously we are making money now because we are not carrying an employee salary with benefits and everything else. You are talking close to \$90,000.00, you have a car you have to pay for and insurance and computer and his licensing fees and several other things. So now all you are doing is getting a percentage – 15% of what they are doing. I will tell that the Building Inspector we have for that company right now is doing an excellent job, he is very well versed and I have not heard one complaint. The guys come in there and the clerk down there takes very good care of getting the permits and the fees out and he does his inspections. I asked him to go do a couple of property maintenance inspections just recently and he went immediately over there. As of what I understand everything is doing very well. As far as the fees that company has not mentioned anything else, I am sure they are just letting you guys figure it out. I think all they were trying to do was to get more in line with what they are using right now so they don't have to use 2 structures I think is all they were doing. Law Director Graves stated Suzanne did come up and ask to confirm something but here is one that in my mind is not right, with the change of ownership of Erie Shore Landings, now it is the Perch on the Lake or something – it would require a new occupancy inspection. That is a \$50.00 inspection for a complex of that size. Mayor Bring stated that is one thing that was brought up in those fees of what you guys looked at, he thought that was a little bit low. I will tell you that the Building Inspector did catch that because they did get bought and there is new ownership and nobody said a word about it. So he caught that and it is only \$50.00. Law Director Graves advised we are still doing the annual rental licensing, we are still charging that fee for the license but the inspections have been put on hold in light of the federal case out of Cincinnati and see how it is going to be dealt with. In the meantime for some of the more known egregious problems we are probably going to be starting up a process of going to court and getting administrative search warrants for the city to go in and do the property maintenance inspections. Mayor Bring advised I don't know if Rosa knew that, she didn't hear that part. Law Director Graves advised we license rental property for single family residential homes, it is a bi-annual fee for all of the multi-families it is an annual fee. It is just a license to do business here so we can keep an eye on the property maintenance issues because sometimes rental properties are allowed to just dilapidate and along with that there was an inspection. Well there was a federal case

out of Cincinnati that basically said that they found that to be a violation of fourth amendment, unreasonable search and seizure. That we can't compel that search, whether you agree or disagree with the reasoning there the decision exist and it is a federal decision. It is a district court decision, it is not appellate which is not binding on us but it is a decision none the less. Mayor Bring stated she also determined that you couldn't charge a fee to go into it, we were in the process of doing the apartments over there. Law Director Graves stated the answer is, before you search or do an inspection or compel an inspection the Judge's reasoning was you need probable cause. You need probable cause that there is violations of the building code, the property maintenance code. So the answer is you have to go get a search warrant. Now it is an administrative inspection warrant, it is a lower burden of proof then a criminal arrest warrant. You just have to show that there is this code that we have a pattern of inspection and they haven't been inspected in a long time and there is reason to believe that there is violations but you still have to go through that process of going to court and getting a judge to sign off on that. Then armed with that warrant we can go into some of the multi-family dwellings in town, we will reasonably schedule it. You have to work with the landlord too because these are private residences but almost all their leases will have language that says they acknowledge that the landlord may enter the apartment with 24 or 48 hour notice for whatever. So we have to contact the landlord and have the landlord provide that notice to tenants and then we come in and do the inspections. Mayor Bring advised most of those large complexes will put a notice out that this is going to happen or they will stick it on their door. But I still think the city should and we will go forward with the inspections because I think it is needed just like anything else, it is more for safety then it is everything else just to make sure that they have their fire exits and the proper things. It is not to harass anybody, it is just strictly safety. Personally I really believe in it. Mr. Graves didn't think it is a big deal of going down and getting it, it is more paperwork and more work for him but we should still do that. Law Director Graves stated so there will be those other fees as well. Councilperson Gee stated if I remember right from back prior to the building company taking over, if I remember back most of this was put on a hold because everybody wanted to see how they were going to do right? Mayor Bring asked as far as the building fees? Councilperson Gee answered yes. Mayor Bring answered yes. Chairman Kovach stated it was put on hold because again as Dave described it they felt that they were looking for increases because their rates and pay was based on their productivity. Even though the majority of this was to get the fees in line, it could be perceived as that. I guess at this time we will leave it on there for a while. You are happy that is no longer costing us money, we are never going to make a fortune out of that and it has never been designed to do that. Mayor Bring stated basically right now the residents and contractors are getting a very good service and it is not costing us a ton of money. That is the whole thing, if you look at a Building Department I don't know if it is designed to make money so to speak. It is more for making sure your codes and

violations are taken care of and residents if somebody moves into a house that everything is up to snuff. I think that is what it is basically for but as things keep going up in the city you can't keep affording to spend an absorbent amount of money for that department so it is working out. Like I said I think they are doing an excellent job, they are very professional.

Ordinance mandating for water service if you reside in a home – Chairman Kovach asked have we proceeded any further on what we want to do with that? Law Director Graves answered I think we have come up with some approach that I think it is going to help. First off, one of the things that the city needs to make sure that they continue to do is for homes where the water has been shut off to make sure that the city continues to build. Not only for the stormwater utility but also for the water and sewer capital improvement, the water and sewer base rate and if the house is occupied also for the refuse collection. That is something that I think we need to do a better job making sure that happens. So that will help, so if your water is shut off you would continue to be billed for all those base rate charges. They are just a fee for being connected to the system and like I said if the house continues to be occupied also charging for the trash collection. Mayor Bring stated the base rate was not being charged and we are starting that process again. The base rate and everything is for capital improvements so if those people are taking advantage of the capital improvements such as the water, sewer and everything else they should still be charged. It was in place up until the last couple of Service Directors which somehow was overlooked but now it is getting put back in place. Like I said I think the city was losing around \$63,000.00 is what we estimated by not charging just that base rate from people going to Florida or contractors coming in and having the water shut off and certain other circumstances. That process will be started again. Chairman Kovach stated I believe what you are saying then is that we have everything that we need and really don't need another ordinance in this position. Law Director Graves stated one of the things that I talked about with Pat the other day was also if the water is disconnected and you are continuing to occupy the house, actually going in and disconnecting the sewer and that would ensure that they are not utilizing the sewer. Mayor Bring stated because they are not getting charged. Law Director Graves stated because what happens is the water might be shut off but if you continue to occupy the house they could be using lake water to flush toilets, things like that – wash dishes and that water is going down the sewer and we are paying to treat that water but it is not being billed. If the city did go in and disconnect the sewer and cap that they wouldn't be able to use the water because it would back up in the drain and there is a significant reconnect fee. So that is something that could be discussed. Councilman Erdei asked is that legal? Law Director Graves answered yes and Pat was going to look into it because he said there is other cities that do that and that is like a couple of thousand to reconnect that sewer pipe. So that is something that could be discussed, so if someone continues to occupy a house without water then the city could go in and just disconnect the sewer – cap it off.

Councilman Erdei stated we would have to make some kind of grace period – no. Mayor Bring stated yes you wouldn't just automatically just go over there and start digging things up because it is not an easy process but if circumstances are warranted such as a few of them going on right now, if that continued then we would send them a letter or make notice with the police and advise of what is going to happen. Then once it is disconnected then it is almost like a tap-in fee to reconnect and then it is a couple thousand dollars. Councilperson Gee stated isn't that going to lower the resale value on a lot of those, isn't it going to make it harder if they move out and leave the circumstances like that no company is going to want to come in and buy and pay the extra fee plus cleaning up all the human waste. People can get really nasty. Mayor Bring stated we do that for lawn mowing and everything else, we cut the grass and charge \$250.00 to cut the grass and we put that on their taxes. So they have to pay that before they purchase the house because that goes on their taxes. So that gets taken care of, there has to be responsibility. The city can't encumber all these losses all the time. This is a worst case scenario if we would have to do this, we may do this once in 3 or 4 years that we would have to do this. If you did it once I pretty much guarantee you that the word would get around that they are not going to fool around with you. Councilperson Gee stated wouldn't a fee be more uniform and more easily done. Mayor Bring stated in the once case there if you charge a fee to the person that was living there wasn't the person that was in charge of what the household was. So who do you charge? Councilperson Gee stated point taken. Mayor Bring stated like I said this is the last case scenario. Councilperson Gee stated on the ones that we already have in the city are not using city water, what fee are they are paying every month. Nothing right other than stormwater. Mayor Bring answered right I don't even know if they are paying stormwater but yes. That is going to change because we are going to change it into the base rate and that is going to start this month. Councilperson Gee stated at last month's meeting you said that you checked with them and find out what the base rate was, did you find that out? Mayor Bring answered yes I think it was \$9.00 and something. Chairman Kovach stated well that being said though what I am gathering here is that we are not going to be going after item d anymore at this time. Mayor Bring answered correct. Chairman Kovach advised remove item d – **REMOVE**.

NEW BUSINESS: None.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

MEETING ADJOURNED: With no further business before this committee,

*Motion by Erdei/Second by Gee to adjourn at 7:42 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 December 3, 2015.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Alan Smith