

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
February 4, 2016

This regular meeting of the Ordinance Committee was held Thursday, February 4, 2016. Chairman Kovach called the meeting to order at 7:21 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee, Mayor Bring, Law Director Graves
Attending: Park Board Member Joe Gee

MINUTES: January 7, 2016, *Motion by Erdei/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Industrial District – Councilperson Gee advised David if you notice 159.01 it talks about a committee. I know in the first sentence it says Industry for the Sheffield Lake School District. One person that I spoke to said that this isn't even a city ordinance, I think they misread that part or maybe I misunderstood that part. The second part where it talks about the membership, it has 6 members in it and it also says that the Mayor and other city officials can't be members, that they can only help suggest. We have a hard time filling Boards in the City of Sheffield Lake, is there any way the 6 members or something could be rewritten if this is an ordinance that we need to keep. Law Director Graves answered yes, this is an ordinance that appears to be pretty antiquated which was all passed in 1965 and seems to pertain to the school district. It is one of those that no one ever really looks at so thank you for finding it. Councilperson Gee stated it says we have to have a monthly meeting even, I have never heard of this committee. Law Director Graves answered many communities have an Economic Development Committee which it sounds like this is kind of what they were trying to get at and the purpose is to try and come up with ways to attract new businesses to the city. It is more or less just a recommending body, they don't have real authority they just brain storm proposals and then forward those onto City Council or the Administration. If you wanted to get rid of this altogether we could do that. I think you are right, I think something needs to be done. Councilperson Gee stated if we could change the membership as meeting as needed. Law Director Graves advised I think we get rid of it altogether or revise it. Chairman Kovach stated as old as it is it would probably be better to repeal this and then address it at another date when we are ready to move forward with something like this. Law Director Graves advised this has nothing to do with the Industrial District proposal, that is the zoning code which is under the title 11 and I do have a draft of that to get to you. But this is the Administrative code and this is establishing more or less a recommending body. It is up to you if you would want to just eliminate this

altogether or if you wanted to propose to rephrase it as an economic development committee and then you could structure that as you saw fit. Councilman Erdei stated it would like Lorain Chamber of Commerce, something similar to that – no? You know they are there to promote Lorain and try to leer businesses in. Councilperson Gee asked who does that for us now? Law Director Graves asked who is in charge of trying to attract businesses to Sheffield Lake? Councilperson Gee answered yes who does that? Law Director Graves answered the Mayor is the face of the city, trying to sell it. Lorain County has TEAM Lorain County and TEAM Lorain County mission is to try to match up available resources in Lorain County with businesses that are looking to relocate. If you have a business that is looking for a large facility and this community has one, TEAM Lorain County can kind of be a intermediary and try to bring those 2 entities together. They don't a lot with Sheffield Lake because we don't have the capacity for a large corporation but where they are active and one of the benefits is because they are non-profit they can keep details confidential. So if the negotiations go through TEAM Lorain County those discussions are confidential and they put businesses in touch with available communities and resources. As far as marketing Sheffield Lake we are really on our own. Councilperson Gee stated we really don't need it then, it is not important or a necessity right? It says it supposed to meet monthly, we can't find 6 members to do that. Law Director Graves stated I would do this almost like the Charter Review Commission where if an Economic Development Committee got together they would meet as needed to come up with proposals and then when that was done they would forward that on and their work would be done. Councilperson Gee stated what about changing it to 3 members and meet as needed instead of all the rest, that way we have it in case we need it. Law Director Graves stated that is up to you guys, you need to discuss what you think is appropriate. Chairman Kovach advised I see the first problem is the one where it is committee for the primary purpose of obtaining suitable industry for Sheffield Lake School District. Law Director Graves stated as written I think you wipe it out. The question is do you want in this revision retain something along the lines of an Economic Development Committee that meet as needed for the purpose of making proposals on how to attract business to Sheffield Lake or do you think that is not necessary, we don't need to create that. Councilperson Gee stated if it is needed in the future it could be done then right? Councilman Erdei stated I would say you should be able to get 3 people and they would be working with the Mayor because the Mayor is going to have to appoint them. How much Industry room do we have in this city? Councilperson Gee stated we have got land for sell right now that is commercial. Law Director Graves stated many years ago the Planning Commission revised our Master Plan, you know the city does have a Master Plan which lays out the goals and hopes for the future development in this city. Maybe Planning Commission needs to look at the Master Plan or look at how we can best start working toward accomplishing the goals of the Master Plan. Councilman Erdei asked can't this committee join with the Planning

Commission? Mayor Bring advised they are separate but they would forward onto you what they come up with. But they would have to make a recommendation, Planning Commission would also forward what they have onto you guys but it would ultimately just be a recommendation or trying to attract business. I can tell you that we have actively been trying to do some of that through me which David gets involved several times as we have sat and talked to people coming in here. We basically right now are talking about Shoreway and some of the other stuff but anytime anybody is interested we as a group usually sit down and talk about that but David is usually involved in that. If you are talking about selling land or buying land and everything else he should be involved in that. Whenever we sit down and talk to people I always like to have Mr. Graves involved in that. Law Director Graves stated if you don't want to create a separate Board that we have difficulty in membership or trying to define what their role really is. We could talk about just asking Planning Commission to undertake the study on something like that and give them something to work on, you know to review the Master Plan and come up with some proposals on how to move the city forward consistent with the Master Plan to attract business to Sheffield Lake. Mayor Bring advised when I was on Planning Commission as Representative for Council that is what we did. Mr. Bontempo put many hours and there were many meetings and that is how that all came about. There was a lot of work put into it and technically Planning Commission should be doing something like that as that is what they do. But we have been very lax about that and that process. Councilperson Gee asked Steve what is your opinion on this? Chairman Kovach answered we don't even have a direction to head in right now other then we have a Master Plan that needs gone over and revised. I don't know what you want. We might have a problem acquiring another 3 to 6 people just to fill this committee that doesn't have a purpose at this point and time. This probably was a good idea 50 years ago with no or limited follow through on it, it was put in place and never used. Mayor Bring advised back in that time there was a lot of activity going on with Shoreway and there was a lot of building going on and other things. The land use was still get figured out and purposed. It was probably a good idea way back when and we are kind of in a different situation right now. Councilperson Gee stated part of this committee's responsibility is to clear up old ordinances right? So are we going to do with this one, it is a simple one so what are we going to do with it. It has not been used in all the time I have lived in Sheffield Lake, there has been no such Board and the way this is written it says they are supposed to meet monthly. There is no reason to have them meet monthly and there is no way having 6 people on any Board around here. Chairman Kovach stated my suggestion would be to repeal it as it sits.

*Motion by Kovach/Second by Gee to repeal the entirety of Chapter 159. Yeas All.
Subdivision regulations – Councilperson Gee stated in 1381.01, the parts that I highlighted are the ones that I have issue with. I understand that I need this ordinance and I understand that this is an important ordinance so I get that. We have Industrial land for sale in our city right now but I don't see that it is in the best interest of our

city to have a medical experimentation lands and if it is a 5 acre parcel they can buy it and we got the ordinance saying that they are welcome. I think we need to correct the fur bearing so we are not skinning carcasses and so we are not having experiments on monkeys. I highlighted all the areas that talk about pelts and experiments. I understand the veterinary things and that is a good idea. I understand that even a commercial dog kennel we shouldn't take that away in case a Police K9 or something along that line wants to rent property or get property here. I can even understand the stables. When I see land for sale that is more than 5 acres I can't picture somebody having a mink farm here in Sheffield Lake and skinning the minks or doing lab monkeys and it talks about monkeys. So how do we address this and get it corrected before somebody buys that land. We are trying to sell business and industrial areas right now as city's are chasing these people out. What if somebody comes across this as it was easy for me to find. It basically says we condone it instead of not condoning those businesses. Chairman Kovach asked is your concern the medical experimentation? Councilperson Gee answered both to include the taxation on our Safety Forces for the protestors. Chairman Kovach advised no I am looking at what you got highlighted here because the raising of animals of fur bearing animals for commercial purposes. I would think you would have a list of particular animals that you wouldn't want for that. Is that line there – the raising of fur bearing animals for commercial purposes, are you considering you are raising mink or you are raising chinchilla's or you are raising dogs and cats? Councilperson Gee answered no that is further down, it makes it clear that that is separate. Chairman Kovach stated furbearing animals for commercial purposes that means you don't want a pet store? Councilperson Gee advised no it goes down further in this and that is why I passed it out last month, it goes down further in this and it talks about kennels separately. Law Director Graves advised commercial is defined as animals used for hire or fur raised for pelts or meat. So commercial wouldn't be for raising animals for pets. Councilperson Gee advised kennels is addressed in 1381.09 is where they talk about kennels and it mentions kennels in some other areas. Law Director Graves stated I am not sure that we can outright forbid these types of businesses but what we can do is and I am actually surprised that these are allowed in B3, B4 and B5. What we can do is we can limit them to the Industrial District, which I know we have done for the kennels. That is just a point to make that these can be limited to Industrial and like she goes on to say they require a minimum 5 acre lot in Sheffield Lake. We don't have a lot of Industrial lots. Councilperson Gee answered yes we do, I think we have 2 or 3 for sale right now that size. Law Director Graves added then it would be 100 feet from any dwelling. I suppose you could buy a lot of Industrial lots and then assemble 5 acres. Mayor Bring advised those parcels where the Storage Units are I think each one of those are 8 acres each. On the opposite side there are 2 buildings that are commercial buildings and that I think are 4 or 5 acres each on those. Those are all Industrial, I think over there behind Concrete & More some of that is still Industrial back in there too which would be I think the

size of what Rosa is talking about. Law Director Graves stated I think the discussion has to be had are you suggesting that the city take a stand ethically that we don't want these type of businesses and that is something that we can talk about and look into to. Councilperson Gee stated the tax it would put on our Safety Forces for the protest alone that is why other cities are banning these types of businesses and moving them out of there. That and what happens if some sort of animal rights group sits all of those animals free. Keep in mind this one section of this talks about monkeys. I know this seems far-fetched but it is not that far-fetched because other cities are moving these types out. Councilperson Erdei stated the state is pretty much closing the wildlife refuge places. Mayor Bring advised they are doing exotic animals but technically what she is saying too which is true is that they could raise mink and they could sell their pelts and that would be that purpose is. Could that happen, you never know – somebody might want to come in from another country or something like that where that is. Some of them believe in that stuff and who knows but that could happen. I think that is why Rosa is bringing it up. Councilperson Gee stated they could even do it with deer, the way this reads just round up deer and start selling the hides. What I am considering is the publicity and the amount of time it would take our Safety Forces for something like this. Other cities are getting away from this, they are putting in saying no we don't want this type of business. You know now a days even dog pounds are no kill shelters. Chairman Kovach stated I think it would make more sense for David to look into the actual as you stated earlier, whether we can even legally do that as this is written and where it could be limited to. This one we could put on the agenda and discuss this as yes it is quite possible that somebody would read this and try to come in to the town to do this but I don't see it happening in the next 90 days. Law Director Graves stated I will look into it, many times it is something that we can't just outright ban but you can zone them out. In other words we can limit them to such conditions that they wouldn't really be able to operate here. It makes sense, these types of operations are designed to be out in the townships or something where they have plenty of land. You really don't want these kinds of operations in a densely populated city like Sheffield Lake being the most densely populated community in the county. Chairman Kovach stated I was going to say our community should probably outright limit no bulls or heifers, we wouldn't want any breakaways on those. Law Director Graves stated honestly I think that is why we haven't really had mention of an issue with this because even though technically you could do it there just isn't the land, we are so dense that nobody really wants to. Councilperson Gee stated a lot of fur-farming is done inside buildings now. Chairman Kovach stated well good portions of this have been in effect for over 40 years but it does look that if somebody did read this within the last 11 years because there was an ordinance passed. Law Director Graves advised that was in regard to the limitation on the number of dogs and cats. Chairman Kovach stated we should have been looking at limiting some other things. Law Director Graves advised this is one of the ways that we justify the

4 dogs and 4 cats by saying if you have more than 4 dogs or more than 4 cats over 6 months of age then you are classified as a kennel and kennels can only be in Industrial Districts so that is one the ways we control the number of animals in a residential district. Councilperson Gee stated this ordinance is important because it does keep certain things in certain areas but it is kind of outdated on some other things. So David is going to look into this then? Law Director Graves answered yes.

Building Permit fees – Councilperson Gee advised on the Sheffield Lake proposed fee scheduling. I was wondering if there was a way that we could consider bringing it before Council and only addressing the commercial fees. The Perch on the Lake (formerly Erie Shore Landings) we lost out because this wasn't changed and we do have Dollar General being built. The commercial part of this I really think we should be looking at before any more commercial is being done. Councilman Erdei advised I think Dollar General is grand-fathered in. Law Director Graves stated they may or may not be. Councilperson Gee stated but if we drag our feet on this commercial any longer then we are going to be sitting here saying the exact same thing for the next business. Law Director Graves stated as far as Dollar General goes, they made their application and then it was approved by the city then the concerned citizens appealed that. So I think that their fees would be set at the time that it was approved by the Zoning Board and it was a go at that point until the residents appealed it. That is the only reason it has been delayed not by any fault of Dollar General. Chairman Kovach stated that goes way back before the proposed increase. Law Director Graves stated I think that their fee structure would have to be when they were originally approved. Councilperson Gee stated if we don't do something on this commercial land, the very next business we are going to saying the same thing – it is too late to do anything on it. Mark – you are kind of in that line of work, everywhere that I have called the commercial seemed to be really close with everybody. Councilman Erdei stated I don't have any problem with the whole thing period but then there is a lot of people on Council that wanted to wait for a year is what I heard before we start changing this. I have been in favor of it for a while now because it is no drastic change and everything pretty well balances out, I mean we are dragging our feet on it. Chairman Kovach stated there is also no guarantee that even if we brought it and put it in the form of legislation that it would pass. Councilperson Gee stated that is why I am wondering that maybe it might have a better chance if we only bring the commercial on it because I do know just like myself, not always do Council people want to see a burden of the residents. But at the same time bringing this commercial before the rest, I do have the question how much is that going to affect us with the shopping center? Law Director Graves asked you mean increasing the permit fees, would it adversely affect our ability to develop the shopping center. Councilperson Gee answered no, for example remodeling the inside of one of the offices or vacancies – are we the ones. If you turn to the second page – interior demolition, is that going to affect us. I am not talking about who rents it, is that going to affect us; are we going to have to pay that. Law Director Graves advised I know where Rosa is coming from

on this because Councilperson Gee has significant knowledge and experience in stormwater utility and the city does actually pay ourselves the stormwater utility, even if it is a simple matter of taking money from one account and moving it to another one. If we create so many be it impervious surface we are responsible and we pay the stormwater utility to ourselves. Councilperson Gee stated but we have a Building Department Company. Law Director Graves stated her point would be if the city is doing work on city buildings should we be paying permit fees to ourselves, moving it from one line to another line. We will look into that, maybe there is something there. Councilman Erdei stated but at the shopping center you are just kind of cleaning it up. Mayor Bring stated technically if you are doing something structurally and we aren't doing anything structurally right now. If we did do something structurally then we will have to pull the permits and we will have to have it inspected. At the time, I think originally we would have had to go through the state because we didn't have a state building permit. But now with this company we would actually have to go through SAFEbuilt because they have commercial license. Anything we did structurally or do structurally we have to pull a permit for. For example what we did now is the Old Video store there was pine boards sit up for the displays and stuff like that, we haven't done anything else – that is all we have done is just take that down and clean it up and pull up carpeting. We can still do that stuff but that is a good point. Councilperson Gee stated so the fact that we have an outside Building Department, we wouldn't be paying ourselves we would be paying them and only getting a percentage of that money. Mayor Bring explained we would get 15% back and they get 85%. The other then what is at Shoreway has always been actively for sale, if somebody comes in and buys it and decides to do that stuff. I think that is what Rosa's point is is those fees of somebody coming in there the city should collect a higher fee. Chairman Kovach stated the bottom line on that one is we would have to pay that fee whether it is what it is right now or it would be raised slightly. So we are still going to be paying that fee. Law Director Graves stated even if we didn't have SAFEbuilt we would be paying the cost of operating a building and employees which would be more expensive then whatever the 85% is. Councilperson Gee stated everything that I have checked on line and everything that I have checked with other cities or contractors, a lot of places are even higher then what this says on commercial. I think we really need to get this done before more is being done in our city. Law Director Graves stated I think that is a conversation that maybe you should have at Worksession. Councilman Erdei stated yes that way people might change their mind on it instead of the residential getting the burden of it, we just keep it to the commercial end of it and it won't really effect the residents.

*Motion by Gee/Second by Erdei to take the Sheffield Lake proposed fee scheduling for commercial fees to Worksession for discussion. Yeas All.

NEW BUSINESS: Councilman Erdei asked did you ever find out about enforcing the sewer fees for disconnect or if they are not getting water at their house then we

can go in disconnect their sewer hook-up? Law Director Graves advised I don't think there is a legal problem with that, that would just be something through procedure. Councilperson Gee stated it says water consumed, the \$6.00 has the word water consumed instead of just saying everybody should pay this \$6.00 fee, the \$6.00 base fee. Councilman Erdei stated plus we were discussing about the people that go to Florida. Mayor Bring answered we already did that. The way we looked at we charge the base fee and then because there is capital improvements which they are also taking advantage of so even though they left there still should be the capital improvements so that is why the base. Law Director Graves asked you are talking about where it says consumed under the additional charges? Councilperson Gee stated no at the beginning where it says a monthly base rate of \$6.00 shall be charged to each water consumer but they are not consuming any water, see what I am saying? 935.15 rate schedule? Law Director Graves stated I have 931.03. Councilperson Gee stated I handed you the wrong one. Mayor Bring stated the way that we discussed it was they are a consumer because they have a water hookup, they may not be using that month because they are gone but they are still a consumer so that is why we read it that way. Councilperson Gee asked what about the ones where their water is shut off? They are not consuming the water? Law Director Graves stated you agree that they should be paying the sewer base rate? Councilperson Gee answered yes. Law Director Graves continued because that is just sewer rental to be hooked, capital improvement and all that. So the question is should they also be charged the water base rate? Councilperson Gee stated I think they should be charged the water base rate because we have got to maintain our structure. Mayor Bring stated when we sat down and read that even though the way it is worded, they are a consumer but they are also a consumer during most of the year so we still charge them the base rate. We changed that at the beginning of the year. Law Director Graves stated we will look into that.

Chairman Kovach advised Clerk please add chapter 1381 for permitted business in Industrial District usage under Old Business.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time: None.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Gee to adjourn at 8:03 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 February 4, 2016.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Alan Smith