

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
March 3, 2016

This regular meeting of the Ordinance Committee was held Thursday, March 3, 2016. Chairman Kovach called the meeting to order at 7:21 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Attending: Mayor Bring, Superintendent Hastings, Police Chief Campo, Fire Chief Card, Concerned Citizens

Absent: Law Director Graves (excused)

MINUTES: February 4, 2016, *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 – **None.**

Chapter 1381 for permitted business in Industrial District usage – Councilperson Gee advised I think all of us understood that is the one about the fact that we can have fur bearing animal farms and things like that. I don't know what more discussion we really need about that as long as it is sitting on the record, we could actually end up in a mess with those type of businesses coming here. Chairman Kovach advised I believe the Law Director was reviewing that also at this time if I am not mistaken. So we will continue that for next month's meeting.

NEW BUSINESS:

Enforcing sewer fees for disconnection – Law Director advised no legal problem with that and would be done through procedure.

CITIZEN'S COMMENTARY: **None.**

Sharon Demartinis, 840 Irving Park stated because of that parking ordinance 351.21 we had quite a few residents of Sheffield Lake come up to us and say that they would like to see something done about it. So I took it upon myself to get a petition going and when the weather breaks we will probably go out more and get more signatures on it. There were 2000 voters in the last election, so 60% of that give or take its about 1500 signatures we would need to get it to be put on the ballot. So as soon as we get that I guess we will turn it into you and then you can send it to the Board of Election. Chairman Kovach advised this is for open discussion, that is why both Chief's and the Superintendent are here this evening. Mrs. Demartinis stated I did notice that on Irving Park alone there are 15 driveways are gravel on the

side that vehicles are parked in. The City of Sheffield Lake alone there is probably at least 75 but there were only 6 tickets given out. Chairman Kovach stated that would be an entirely different issue. You are talking about parking on the streets and you have a problem with another ordinance that has been on the books for. Mrs. Demartinis stated this one was parking in the front yard, this ordinance. Mayor Bring advised that is totally different too. Mrs. Demartinis stated this one is the one that I was concerned about right now, there is a lot of talk about parking on the streets too. So there could be something started on that one. Councilperson Gee asked could I ask you is the petition that you are starting right now, which one of those issues is it about? Parking in front yards? Mrs. Demartinis answered yes. Councilperson Gee clarified not parking on gravel but parking in front yards? Mrs. Demartinis answered no it was parking on gravel but it was told because the driveway isn't concrete there is a gravel section next to the driveway that we were parked on, that was the front yard and it has to be concrete. That is what I was told. Mayor Bring advised there is 3 separate ordinances; one from 1970 where if you have a concrete driveway and you add onto it it has to be concrete. There is also parking on the grass in front yard which is illegal and that was back in 1975 and then the parking on the street was November 26, 2013 so there is 3 separate ordinances. Mrs. Demartinis stated well this ordinance that was parking in the front yard says here it was passed March 14, 1995 and then passed again October 8, 2013. Mayor Bring advised that is parking on the grass and that is totally different then what you are talking about. Mrs. Demartinis stated no because I wasn't on the grass, I have gravel. Mayor Bring advised I just explained to you 1997 there is an ordinance that says that you cannot put gravel next to your concrete driveway, it has to be concrete and that is what you are talking about. That was a 1970 ordinance, the one with the grass is 1995. You got them mixed up. Mrs. Demartinis stated I just had whatever I got my citation for. Councilperson Gee asked may I ask how long you have lived in that home? Mrs. Demartinis answered since 1995. Councilperson Gee advised if you go back on google earth you can look at older pictures of the property and it will show if gravel was in existence before a certain date or not. I had a resident call from Irving Park and she said she had gravel for a long time but in 2011 there was no gravel, there was grass. Mrs. Demartinis stated well we moved in 1995 there was a cutout on the side of our driveway that was gravel then and we keep filling it in as long as it disappears we put in more. That was in 1995, I know the Law Director when I talked to him did say it was in since 1979 but if it has been in that long then why hasn't it been enforced until 2016. Mayor Bring advised what has happened is all of a sudden now we are starting to see people additionally putting the gravel in which is illegal. First of all there is no building permit, there is nothing being done. So in doing that it is actually illegal, it is breaking the law. We have been going around and giving warnings out and we also have been ticketing some people but that is something that we have been looking at. Now there are people that have parked there that actually have gravel driveways or existing gravel driveways and those will remain the way

they are and they are allowed to do that. There are several of those properties like that but technically anybody that has a concrete driveway and they put gravel next to it since 1970 it is a violation. So we will be looking at that and I talked to the Chief a little bit, we gave out some warnings but we have a property maintenance Officer that is going to be starting here in April and people are going to get more letters about that. Mrs. Demartinis stated it is an ordinance that can be repealed correct? Mayor Bring advised like the Law Director told you that should have been 30 days afterwards but it is an ordinance and an ordinance is not a state law, so that can be repealed – yes but it can also get right back on. They can make another ordinance the next day if they want to and I think he told you that. Mrs. Demartinis stated I am just saying that since 1979 there has been a lot of new people that have moved into the city that don't know anything about that ordinance. Mayor Bring advised it is like driving down the road and you came here in 1979 and one of the roads might have been 25 and now it is 35. You got to kind of look at signs and if you pay attention and start looking at ordinances and stuff like that then you will know. It is like anything else, there is things that change. We just changed the water meters out and put new ones in, there is new things that happen all the time. We try to notify everybody as much as we possibly can. When an ordinance is in 1970, it is pretty difficult for everybody to know that. That was put into place and I believe back then we had Mr. Trubach was our Building Inspector and he was a little lenient on that and that is how those driveways actually got into place and that is also why it was never taken care of. Mrs. Demartinis stated I do have a petition that will be going around, I guess we will just wait and see how it goes from there. Mayor Bring stated if you have a petition make sure have the petition that you are getting the correct one for. That is why I am telling you the one you have right there is the wrong one. Mrs. Demartinis stated receiving this notification to advise the parking ordinance 351.21. Mayor Bring stated yes that is parking on the grass. Mrs. Demartinis stated should be parking on any parking area. Mayor Bring stated nobody is allowed to park on the front grass, we do tickets for that all the time. Mrs. Demartinis stated even though there is gravel on the grass. Mayor Bring answered in some places, yes. Mrs. Demartinis stated I did have gravel on my grass. Mayor Bring stated regardless I just told you it is illegal. Mrs. Demartinis stated but I mean this would be the right one. Mayor Bring answered no, like I said I tried to explain it to you there is 3 different ones. There is one for the additional to add the gravel, if that is the one you want then you would have to go for that because if you park on the yard still you are still going to get fined. Mrs. Demartinis stated okay but I put gravel down that is a different ordinance, what is that ordinance number? Mayor Bring answered I don't have that with me. You would have to have somebody look that up for you. Councilperson Gee stated I might have it. Mrs. Demartinis stated I know that parking on the street is the third ordinance. Mayor Bring stated I brought the Chief's and the Superintendent for the parking on the street to explain why we did this originally and if you look at all the other communities around us, the only

ones that don't have that are Lorain and Elyria. Everybody else around us has that and anybody on the east side basically every city has that. If you go into Lorain right now, if you start going up and down the streets which I do periodically it is an absolute disaster down there. You can't get down those streets and that was coming this way and when I first got on to be elected as the Mayor there were about 350 cars on the street. When we passed this ordinance in November 26, 2013 there was over 500 cars that were on the streets and this was escalating and that is why I brought these gentlemen with me to explain why and what the reasoning was behind this. Mrs. Demartinis stated I can see the reasoning behind it, I just can't see the hours 10 to 6. Mayor Bring answered it is not 10 to 6, it is 2 am to 6 am. Mrs. Demartinis stated I just don't understand those hours. Mayor Bring stated the reasoning behind that is that is what everybody else has done is because basically if there is a fire or a safety situation and people are sleeping at that time of the night for our trucks to get down there. The Police would have to come wake those people up and get them to move their vehicles. By that time if someone is having a heart attack or the house is on fire somebody could actually die so that is why it is 2 am to 6 am because most of the other times during the day light people are usually up and it is easier to get them to move the cars. We did have a situation, we actually had 2 situations. We had a lady with all kinds of kids on Pinewood and the house on fire. If there had been cars parked down there we would have not been able to get to that and the lady would have died. We also just had one recently so that is why. Besides that if you continue to allow those cars to be on there which the Police Chief will explain to you how many junk vehicles we had on the streets. We have taken off over 250 that were using the street as junk vehicle parking too. We are trying to clean this city up and that is what I am going to do and that is what is going to happen. Mrs. Demartinis stated I just think it would look nicer with gravel next to driveway then parking across the apron like some of them are doing. Mayor Bring stated Mr. Kovach lives in a pretty nice neighborhood over there and I would ask him if everybody started digging next to their driveways and started adding gravel what do think that would do to your street. Chairman Kovach answered I don't think I would want my property value to lower. Mayor Bring advised there is several areas around, we have Parkview and Elm and a few others that are brand new and if people start digging next to that and putting gravel down and parking over it it is going to ruin that neighborhood completely and that is what I am trying to get away from. If you go down Irving Park right now, it is not looking too hot. Back when I moved in here in 1958 I was a little kid and then as I got a little older Irving Park was an outstanding place to live and I was always jealous of all those houses. If you go down there now it is becoming not so hot with the way things are looking over there. There is a lot of areas that need to be cleaned up over there. Mrs. Demartinis stated there is a lot of foreclosures too. Mayor Bring stated I am saying the more you let go the worse it is going to be and it also drags down your property values. Mrs. Demartinis stated I just can't understand and you might have valid reasons but you have a lot of senior citizens in

this town too. So for me to put in a concrete there so that my visitors can park on the side of my driveway it is \$6000.00 and I can't afford that. Mayor Bring asked how many cars do you have? Mrs. Demartinis answered I have 1 now. Mayor Bring stated you have a whole driveway? Mrs. Demartinis stated the one time I got a ticket because my grand-daughter was staying with me and she was parked on the side because she comes in late at night from work and I leave early in the morning. So instead of us moving cars back and forth 6 times that day, she parked on the side. So at 10:30 at night I got a ticket when I was home but nobody bothered to knock on my door to let me know you are not supposed to park there do you mind moving your car. Everybody else on my street has gotten warnings and I mean I didn't know I was the criminal that I needed a ticket. That is what has really bugged me that my neighbor across the street that has concrete and 2 houses up I stopped at his home and he didn't get a ticket and he has a travel trailer, a truck and a car parked on gravel. So if you are going to do it then do it all the way. I mean I understand that the Policemen can't go constantly to every house and ticket. Mayor Bring stated I agree with you 100%, the problem is is that when you guys came down and you guys complained about that I agree there were a few that got ticketed but we also warned people on that. At the time I think I told the Chief that we were going to warn people on that but we did ticket a few people but I will tell you that that is what is going to happen now which is we will give letters out and stuff like that. I don't know how I am going to approach this because I have had people like you come down and talk about this. I will tell you that we had a gentleman come in the other day to our Service Department and absolutely adamant that we clean this place up because he thinks it looks terrible. When this was passed I had probably 25 or 30 residents call me and they wanted the parking 24 hours, nobody to park on the streets and I said we can't do that that is not fair. We are trying to be lenient and we are trying to figure this out and we are trying to figure this out, trying to make it amicable for everybody and I agree. But I am trying to do this and warning and be patient everybody and allow them to do that. We have done with a couple of people where they submitted a notarized paper stating that they were going to put this in at a certain time and if it was any time past that they were going to be ticketed too. There is a lot into this and yes I was sympathetic when you came here and I talked about all that. I sat down with the Law Director and talked to him about all this and I drove up and down the streets, Irving Park right now is probably one of the biggest offenders and Belle and Brockley there is a few over there and then there are several other ones around here. Those people will all be getting probably some type of letter notifying that they are in violation and we will probably give them an opportunity at some time or some length of time to correct the problem or have more discussions about that. Like I said more than sympathetic but you have to understand where I am coming from too. Superintendent Hastings advised I would just mention for the record that the city is small at 2.48 square miles with about 45 miles of road. What is an interesting fact is 39 of our streets are dead end streets. So when I look at the operations from plowing,

refuge pickup and so forth a lot of these interior streets without curbs and gutters are about 16 to 18 feet wide and our widest plow is 12. So just the mere size of our equipment challenging and we have seen a profound improvement with the ordinance in place. The interesting thing although the hours are from 2 to 6, it kind of inspires people to use their driveways more and we see less traffic in parking through even the business day because people are cognizant of the restricted hours. So they know and take it upon themselves to use the driveway that they otherwise might have overlooked to begin with. It has all been favorable from public service side. Mayor Bring stated to add something to Mr. Hastings comments is that even though we have a snow ban ordinance, which is 2 inches, which you know that is in effect too. Again we talk about that 2 am to 6 am because what happened then with the Police if there was 2 inches of snow they would have to go down and beeped horns and flash their lights to get the people out to move those. But by then these guys are already out plowing the streets and they were going around all these vehicles and that was a huge issue of trying to get the streets cleared. Plus when the streets are void of vehicles it cuts down on the time, it saves the city money and it saves fuel and manpower – overtime. Police Chief Campo stated the overnight parking, when I was a Patrolman that is where you put your junk cars was on the street and the streets became a junk yard. That was a way to avoid a junk vehicle ticket on your property, push it out into the street and the streets became a junk yard. We would get complaints from residents that cars were sitting for weeks, we would mark the tires with a chalk mark. The people would come out and move it back a foot and push it back a foot tonight and laugh at you and push it forward 2 feet the next morning. There was nothing you could do about it and then the snow came and you would knock on people's doors or blow your siren that we need the car moved. I can't move the car, it doesn't run well there was nothing we could do. I am not going to tow it because it is parked legally so then we would have to get a tow truck or the plows would plow it in by three quarters of the way through the winter was up over the door. Then now you got this plowed in vehicle. So this ordinance makes the cars have to be moved off of the street every now and then and not only prohibiting them from being on the street all night. I often encountered on patrol people that would come in and park their car and walk the streets looking for something to steal. This really cuts down on the way that you can steal at night. You can't park on an adjoining street and walk to a business and break into it, it limits people in vehicles as to where am I now going to park to break into cars. It has limited car break-ins to young kids that are just walking around and not people that can fill up their car with a bunch of radios out of every car on the street. It has limited to us to be able to see if a car is on the street at night that doesn't belong there. It has helped our jobs immensely. Fire Chief Card advised the thing that I have noticed since we have had this is because our vehicles are big, especially off of Irving Park. We have had some fire calls on those streets since we have had this in place and I have just noticed that we have been able to get more equipment down the street

closer to the scene and then get it out. Before you would have trucks parked further down the street because they couldn't stagger where now they can get closer and then plus leaving the street because we have to back out of those streets. If there are cars parked on the side of the street, I mean the guys do it they back fire trucks up all the time but they have to worry about hitting somebody's vehicle and also watching for the kids. Even though there is a guy backing them out but still it is much easier for us to get up and down the streets with our large vehicles. When we do have a house fire there is 4 engines, 1 ladder truck and an ambulance that responds to a house fire. So it is a lot of equipment. Mrs. Demartinis stated the only thing that is kind of like a domino effect though then. So you took the parking off of the street and now they are trying to get these cars in the driveway, where if you have a husband and a wife and maybe 2 teenage kids you could have 4 cars. A lot of these driveways are only single driveways especially on Irving Park, not as much the east side of Irving Park but the west side has a very small driveway. So that just caused a domino effect and now we are getting the driveway and the parking in the front yard and all that along with this. Police Chief Campo stated isn't concrete the answer. Mrs. Demartinis stated well a lot of people can't afford concrete their driveway or extra driveways right now. I mean you have Lorain Steel going out of business where I am sure there is a lot of Sheffield Lake people that work there. Mayor Bring stated again this is something that has been in effect for a long time, it is like parking on Irving Park has been in effect since the 1980's, just like Harris Road, Lake Breeze, Lake Road, Abbe Road – those have always been in effect. Those people have accommodated themselves by parking in their driveways. What has happened on Irving Park is that the garages that they had there were turned into living spaces, it effectively eliminated their parking but that is not the city's fault. That is why I am trying to explain to you that we had that house fire over there and there were probably 10 kids in there and 2 adults in a house with cars all over the place living there. So you get a rental property and somebody rents the house and the next thing you know they got 4 or 5 other people staying there and they got all these cars and that is not the city's fault. We are not going to let these people park all over and that is where we are trying to get at. I understand you are a property owner and thank you for living here and everything else but at some point that situation has to change. If I allow it over there on Irving Park and say okay you can put gravel there then other people on other streets are going to do it and the next thing you know the whole city is going to look not so hot. If you disagree with me I am more than glad to talk to you but that is what I have been trying to do. I will tell that people come into this community looking to invest money to build and possibly invest money at the shopping center and they look at foreclosures, they look at aesthetics, they look at schools, they look at everything. I just had somebody come in and there was 24 acres that are available and part of the reason why is because of the foreclosures and part of the reason was the way things looked. They were not going to invest the money to build in there. So as a Mayor trying to bring in business

and more revenue to make things better for this city that is why I am trying to do what I am doing. Not trying to punish anybody but trying to make it look a little better. But I am also sympathetic so somehow there has to be a happy medium. Chairman Kovach advised I will tell you that up until about 10 years we did have 2 people working in the Building Department, that were part-time Building Inspectors going around enforcing property maintenance problems which yours would be considered one of. Due to financial constraints we ended up stopping that procedure but with the passing of the income tax we are starting to enforce the laws again which we were lax because we could not afford to enforce them. At this points we are going along and unfortunately you may have been one of the first to get caught up in it but I have a feeling you are not going to be the last as far as the warnings and ticketing. Councilperson Gee stated the Mayor has already brought up the one issue I wanted to mention was Irving Park all had garages and it is not the city's fault. The other recommendation I have for you, I understand and I sympathize you going around and getting the petition and I don't know if they told you those have to be registered voters on it. It is kind of hard because a lot of people will tell you that they are a registered voter when they are not. Mrs. Demartinis stated right and like I said I went to the Board of Elections and there were 2000 voters in November which was the last election. Out of a city of 10,000 there were 2000 that voted. So that is why I said registered voters would be about 60% which would be about 1500 people. Chairman Kovach advised all she is suggesting is that you have to verify that they are registered voters, if not you are going in with 1200 signatures and have 400 of them wiped out. Mrs. Demartinis stated right the Board of Elections told me that, the signatures have to be validated. Councilperson Gee stated if you turn it in and you are short, it is better for you to check on your own. It is not that hard, you can go online and download the whole thing into a computer and then just go through every single name and they also have to be readable and sometimes people think they are a registered voter when they no longer are or they are registered in another city still.

Police Chief Campo advised what you have there is a copy of the state statute for littering and a copy of the city ordinance for littering. The city ordinance needs to mirror the state statute especially where it prohibits a person from going on someone else's property and dumping garbage in their dumpster or their cans without permission. We get that quite a bit from business owners and we just dealt with one last week with the new owners of Amber Oaks where we are repeatedly having people passing and dumping stuff in their dumpster. We did cite a person from Vermilion who was commuting and loading the dumpster up with their stuff. So that language that is in state statute needs to be in our city littering ordinance. Mayor Bring advised we had to charge him under state law instead of our local ordinance. Police Chief Campo advised charges into Mayor's Court should be under city ordinance. Chairman Kovach entertained a motion to move this onto the Law Director for revision of our ordinance. *Motion by Erdei/Second by Gee to forward to the Law Director to amend the littering ordinance to mirror state statute,

ordinance#521.08. Yeas All. Chairman Kovach asked is the Law Director aware of this already? Mayor Bring answered yes he is.

All ordinances before Council at this time:

Council#08 – THIRD READING – an ordinance repealing Chapter 159 of the codified ordinances in its entirety.

Council#010 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake amending the zoning classification of five lots known as permanent parcel numbers 03-00-033-108-006 through 03-00-033-108-110 located on the east side of Pleasantview Dr. from R-1 single family residential to B-4 Business.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Gee/Second by Erdei to adjourn at 7:46 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 March 3, 2016.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Alan Smith