

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
June 2, 2016

This regular meeting of the Ordinance Committee was held Thursday, June 2, 2016. Chairman Kovach called the meeting to order at 7:48 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei
 Absent: Gee (excused)
 Attending: Mayor Bring, Law Director Graves

MINUTES: May 5, 2016, *Motion by Erdei/Second by Kovach to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Industrial District – Law Director Graves advised that was provided the last time, it is an amendment to our Industrial Zoning District ordinance which is quite outdated. It is based largely on what Avon Lake has and is quite involved and provides for conditional uses and things that we don't really have. I would probably recommend unless you have any specific questions considering to continue to review it. Chairman Kovach advised as Mrs. Gee is not here this evening we will hold it and let her review it when she gets back and we can go for the discussion at next month's meeting.

Subdivision regulations – Law Director Graves advised I have nothing on subdivision regulations for you tonight.

Building Permit fees – Chairman Kovach advised building permit fees is just on there for the time being. I guess we are finally going to cross our first anniversary with them. We have just crossed it, the luncheon was last Friday.

Chapter 1381 for permitted business in Industrial District usage – Law Director Graves advised under Chapter 1381 permitted uses in Industrial District, Councilperson Gee had raised an issue with permitting businesses that were concerned with raising of animals for medical experimentation or fur bearing production. I did send an email and I have researched this and under our local Police power we can regulate lawful businesses, we may **not** prohibit a lawful business unless it is an inherently evil enterprise creating pollution and problems and things like that. It is my recommendation and opinion that we would not be allowed to prohibit these type of businesses, we just would be able to regulate them. Chairman Kovach advised I did read that email last night. Law Director Graves advised that would be overturned, that would be lawful exercise of Police power most likely. Chairman Kovach stated on that one too we will let Mrs. Gee review that email and we will discuss that further at next month's meeting.

943.07 Stormwater User Fees; Developer Contribution – Law Director Graves advised I am not sure why this is under 943.07 storm water user fees but the proposal that I put forth, I mean we can put it wherever you would like was for 905.08. Chairman Kovach stated well if that is where it would be appropriately positioned. Law Director Graves advised that is the portion that already talks about driveway and apron storm drains, so I thought that we would just expand that to include yard drains and drainage for any residential dwelling in the city. My recommendation on this would be that and Council could advise me to draft this however you choose but rather than making it a black line requirement for yard drains, my recommendation was to require a review as part of the plan review and evaluation as to the necessity of storm drains as part of that. If it was the opinion of the city engineer and the building department that storm drains were necessary that they would be required as part of the approval of the plans. We would say we will approve this but you have got to put a storm drain here and there because we see that is wet and that it is necessary. If there is no problem then but I would make it part of the plan review to decide whether or not that storm drains are needed for that particular parcel. If you are talking about draining an individual residential parcel to the city storm system, either draining it to the ditch or draining it to the storm sewer that would happen to be there. So if the yard is wet and it needs it and if not I thought that is how we could address it. Chairman Kovach stated I agree with you 100% and I believe that was part of the argument I was trying to make over the last two meetings in regards to if the topography of the land even required it or a site review would be the appropriate place to put it. Chairman Kovach stated this one here we will also leave for next month for Mrs. Gee to review and have input in on that. At that point should I request that the ordinance number that she brought up under this 943.07 should be referred back to this 905.08 where you advised it? Law Director Graves stated we can talk about that, I will take a look at it for what would be most appropriate.

Law Director Graves stated there was one other piece of Old Business and that was I believe Councilperson Gee had raised the issue as to Chapter 159 of our ordinances which provides for Industrial Development Review Committee. It is an old chapter that goes back to like 1960 and it talks about trying to attract Industry to Sheffield Lake to benefit the schools and to anybody's knowledge we never really had this committee. We are really not in the position to attract Industry per say and so she was recommending that we consider abolishing it or whatever and my recommendation is that we amend it to an Economic Development Advisory Committee and so we amend 159 to be retitled the Economic Development Advisory Committee which would be a committee of residents (5) residents appointed by the Mayor and their sole purpose would be to make recommendations only. They have no real power but to review and make recommendations on how to attract business and drive economic development in Sheffield Lake. There is a revised version that talks about Economic Advisory Board, I don't know but I think you got the old version but that is the only change. I first called it a Board because Committee seems

to me like a Committee of Council. Chairman Kovach advised Kay please add discussion of ordinance amending Chapter 159 of codified ordinances of Sheffield Lake regarding creation of duties of the Economic Development Advisory Board under Old Business for further discussion next month.

NEW BUSINESS:

Options for driveways in violation – Law Director Graves stated we have had a lot of discussion about this and I think it is still in the discussion phase and the issue is we are really trying to reconcile the fact that gravel driveway additions where you already have an existing concrete or asphalt primary driveway. The gravel addition to that is not legal and has not been legal under our code since 1970 or whatever that was. Also, the fact that there are probably hundreds of such gravel additions throughout the city and how do we address that without having to cite every one of those people and make them spend lots of money either removing it or bringing it up to hard surface but also maintaining our desire to keep the ordinance the same way which is to keep consistent surface on your driveways going forward. There were a lot of possible options to discuss and I thought that I had a conversation with the Building Inspector and he made a recommendation that I thought made a lot of sense. His recommendation is that we create a moratorium period where we are just simply not going to enforce the ordinance that we have for a period of time. We would say for this moratorium anybody with an existing gravel driveway or I guess that anyone that puts one in could come to the city and register, pay a \$25.00 fee permit or licensing fee or whatever you want to call it and have to meet certain criteria on that gravel addition. That is the 57 stone, appropriate borders so it doesn't migrate out and become flattened and widened and various things but they have to meet that criteria and we would give them that. We would publicize that and make it known throughout the city. After that moratorium period, we would have a file of everybody that came in and registered their gravel driveway additions and those would be the only ones that would be permitted within the city. This way we would not have to go out throughout the city and have to log every one or if someone says well that one was in existence or that one wasn't we would just say doesn't matter, did you come and get your permit? If someone has one and they didn't do it tough luck, we gave you a period of time to get your permit and so anybody that has one during that moratorium they would be fine but once that is over any gravel additions that are not in that file would be receiving letters and also citations to either remove it and put it back to grass or bring it up to hard surface consistent with their primary driveways. That was his recommendation and now I think there has been some other discussions about making a condition of point of sale. There is other ways that you could go but it is just something that we have to discuss in terms of being fair to everyone. Fair to people that have them and fair to people in the future. I asked him if he is aware of any community that permits gravel additions for existing asphalt or concrete drives and he said no. So I think that almost all communities require if you have a concrete drive, the addition has to be concrete. Now if you have got an old

house and always had gravel drive then yes you can do a gravel addition consistent with that primary drive. Councilman Erdei stated you definitely have to get the word out then for all the people that have gravel driveways right now because you will still get a handful that will probably say well I didn't know. Mayor Bring stated it will be more than a handful. Chairman Kovach stated we don't have really a lot of room for discussion on this because if the moratorium starts July 1st we won't have another meeting. Law Director Graves stated that is just a proposal, I don't have any legislation drawn up. You can make this start whenever, you don't have to make it a year you could make it 90 days. I think that when he and I were talking you got to give people a reasonable amount of time and also it is already June and by the time this passes Council, you start talking 90 days you are going to be into the fall. You know the weather is going to start being bad and then you are going to start saying well are we going to make people correct these driveways in the winter time. So I think that is where he was going with making it a year or from July to May rather. Chairman Kovach stated I think he went to May 1st because that was the date of the original letter I presume. I think he was ending May 1st because that is the example he was using was that the date of the original letter on the letterhead itself. So it would like May 1 to May 1 but the actual moratorium started in July, you know by this design. Law Director Graves advised you are not bound by that. Chairman Kovach answered I get that. I would say though that we would probably have to have something. Mayor Bring stated if you still want my opinion I still think that the sidewalk deal is the best way to go because if you do this you are going to have a couple hundred people coming down here screaming and yelling because you are going to send all these letters out and they are all going to get up in pitch forks and teepee torches and come down here. If you treat it as a point of sale and the only thing different in a point of sale that I was thinking about is that we are going to have to do something in an escrow because of the winter time dependent on when they sale a house. That way at least those things would get done because that way it would be through the Building Department and if you do it this way you got renters and everything else and they are going to get the notifications. We are having a hard enough time just doing property maintenance right now and finding these people in these houses, it is a pain. It is just my thought. Chairman Kovach advised well I will tell you what then we will probably leave this one for discussion for next month's meeting. We will proceed at that time also with that with a little bit more input from Rosa. Mayor Bring advised the problem is it has been violated so many times and nobody has done anything about it and now everybody thinks because they have it in there that it should be grandfathered in. Well it shouldn't be grandfathered in you actually did it illegally a long time ago, whomever did it. Just a little quick note, I went and talked to somebody in Bay Village the other day who left his garbage can out visibly even though he put it away and he got a fine for that. That is how strict Bay Village is, even though his garbage can was put away it was still visible to people driving down the street and the Property Maintenance Office did ding him

for a violation. So we are not going to get like that but that is the kind of stuff that happens and that is also why their city looks the way it does because they are extremely strict and Westlake is also like that and as are several other cities. The problem is we have let it be so lax too many years and it needs to be addressed. Chairman Kovach stated well like I said even if we were to attempt this moratorium to get something on it we wouldn't be able to get anything together until September because we would have July's meeting and then we are off in August and then you cruise into the winter months. We will leave it for discussion and continue working on this.

Mayor Bring advised there is one thing about the golf cart thing that I gave to you. That discussion came up again because we had another gentleman that is saying that the state is going to pass a new law and if cities don't react to that it will go into effect and we won't be able to do anything about it. He presented that to our Police Chief and we looked up some of the ordinances and we could not find the one that we had passed. If it did it probably should be in good shape but we could not find where it specifically said anything about it. We looked for it for a couple of hours today off and on. Still addressing the situation where these people still want to do the golf carts and drive up and down the streets and I think it would be an absolute disaster. This gentleman that came to us today which just so happens to be across from another guy that is always pushing the envelope as far as the way the city is run. Councilman Erdei stated that was when John was Mayor, that didn't pass. Mayor Bring advised I know that but we could not find that to give it to the guy. Law Director Graves stated I will find it on my computer. Mayor Bring stated all I want is just to double check and make sure that it is still in effect. Councilman Erdei stated that is still good. Mayor Bring advised I just want to make sure that it doesn't get overturned with the state. Law Director Graves stated one way or the other, I will either find what we did or if we need to bring something else to Council we could do that. Councilman Erdei stated I remember sitting out there and the Chiefs were here. Law Director Graves stated Council passed the ordinance and Mayor Piskura vetoed it and the way our Charter reads if the Mayor vetoes an ordinance he has to provide written statement why and he provided that statement to Council his reasons for choosing to veto it. Then Council can override the Mayor's veto with $\frac{3}{4}$ majority and they did so. So that failed but I will get the information on exactly what we did at that time.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

Council#026 – THIRD READING (revised)– an ordinance amending section 1351.04e of the codified ordinances of Sheffield Lake regarding Demolition Board of Appeal and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Kovach to adjourn at 8:08 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 June 2, 2016.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso