

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

This regular meeting of the Ordinance Committee was held Thursday, July 7, 2016. Chairman Kovach called the meeting to order at 7:27 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Attending: Mayor Bring, Superintendent Hastings, Law Director Graves,
 Park Board; Gee, Concerned Citizens

MINUTES: June 2, 2016, *Motion by Erdei/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

CORRESPONDENCE: None.

OLD BUSINESS:

Industrial District – Law Director Graves stated I had given you a lengthy draft if you want to review that, there is a lot there. Chairman Kovach advised I am going to be directing most of my questions to Rosa as you were off last month and I had curtailed almost everything here. So your input on this? Councilperson Gee stated David said that we can't remove that. Law Director Graves stated there is essentially two items on the agenda relating to Industrial District; a) was a complete overall of the entire Industrial District chapter and that was provided. That was lengthy and cumbersome, there is a lot of stuff there. Your question is on agenda item d) I guess for the permitted uses in Industrial, I am just pointing that out. Councilperson Gee stated I sent David back an email I believe. Law Director Graves asked in regard to the? Councilperson Gee answered Industrial, that would have been while I was still in California I think or right after that. You were supposed to look at Avon Lake's and you said that theirs was quite outdated though or which one is it in Avon Lake's that is outdated or was it ours that was outdated? Law Director Graves answered ours is outdated. Councilperson Gee asked you went according to Avon Lake's, based largely on Avon Lake's? Law Director Graves answered this draft is a combination of Sheffield Lake's and Avon Lake's. Councilperson Gee stated I might have sent you an email pertaining to the 1381.01 with the animals. Law Director Graves concurred yes that is the only email I got from you. I got your email June 1st just stating you won't be back until this meeting. Chairman Kovach stated could you tell us what you have reviewed, the big one? Councilperson Gee stated yes but I haven't cross-referenced or looked it up but I have reviewed it. Chairman Kovach stated well we won't be meeting next month and this is not an issue of haste. You go ahead and review this for your viewing pleasure. Councilperson Gee asked have you had the time to review it Steve? Chairman Kovach answered I have gone over bits and pieces of it. Councilperson Gee asked can I get your opinions? Councilman

Erdei stated I like it for what it is, I got a concern on the other one though for the gravel stone thing. Chairman Kovach answered ours is outdated and probably go ahead with what David has proposed but again go ahead and spend until September review and we will make a final decision at September meeting.

Subdivision regulations – None.

Building Permit fees – None.

Chapter 1381 for permitted business in Industrial District usage REMOVE –

Chairman Kovach stated we discussed that last month and as David stated we can regulate but we are to try to prevent or prohibit as we would find ourselves on the losing end. Councilperson Gee asked so there is really nothing that we can do with that one? Law Director Graves advised these types of businesses are legitimate businesses, they have to operate somewhere; forbidding or prohibiting viable businesses like this have been found to be unlawful exercises to the city's Police power. Much like the adult entertainment, you can regulate them and/or zone them into the Industrial District or things like that but you cannot outright prohibit them. Councilperson Gee asked so there is basically nothing that we can do then? Law Director Graves answered no.

943.07 Stormwater User fees; Develop Contribution – Councilperson Gee stated I read in the minutes from when I was gone that there was a bit of confusion as to why I brought the issue up about the backyard drains under 943 Stormwater User Fees. I thought of bringing it up there because of the Developers contributions and that is why I decided to bring it up through there and I thought it would go under the (d) part of that and I still really think just because one new home is being built between two older homes doesn't mean that there isn't going to be a future flooding issue and before the home is built, if the backyard drains are there it saves future expense from the person that buys that home and future flooding from the neighbors if a flood issue arises. The water we are getting into our city and from south of our city cause/effect the more flooding areas have changed. Just because something is not flooding this year doesn't mean it isn't going to be flooding 10 years from now. Chairman Kovach stated what I believe David had proposed was that this would be inspected by the Building Inspector who would make the determination. Law Director Graves stated in the engineering in the site plan for any new construction whether or not they would require it. Councilperson Gee asked that would be on any home not just a development? Law Director Graves answered any new construction, any new residential dwelling. Chairman Kovach stated I am comfortable with that it should be the engineer or the building department making that determination. Law Director Graves advised when someone wants to build a new home they have to submit their plan for the review and this would require as part of that review a determination by the city engineer and the building inspector that if there is a grading issue that requires a yard drain that they would require that prior to approving of the plans. But if there is no issue they wouldn't require it, they would determine that. Councilperson Gee stated I hear what you are saying David but at the same time

there is homes that are being flooded now that weren't flooded 10 years ago. So if we get somebody that says oh no you are not in a flooded neighborhood you don't need one and 5 years down the road we are getting more water and they are getting flooded, that is going to cost them an awful lot of money or they are going to just start letting the water flow into their neighbors. It has happened throughout the city before. When we had our one house we couldn't afford to put the backyard drain in because our home was already built, if it would have been there before the home was built it wouldn't have been any expense and wouldn't have been an issue. I'm sorry but I really feel for the future of our city and the fact of how bad flooding is coming everywhere. If it is already there and it is not needed then it is not needed but if it is already there it is there. It is not like I am asking all our residents to put backyard drains in, from this point forward they all should have them though. I'm sorry but I am sticking with it. Law Director Graves stated I don't have any position in this so your argument should be directed to the other members of your committee. I am not advocating for any specific language. Chairman Kovach stated I am comfortable with the engineer and the building department making the determination. My argument to that would be if you got a yard that the backyard has got a grade that is 2 foot higher than the front why on earth would you put a drain that is in an area that is not going to get any water. If you are suggesting that somebody would build a yard up to that at that point. Councilperson Gee stated but it is not for just that if they deem that that is not a flood area right now. There is nowhere in that that says that if your backyard is high you don't need it, it is saying if there is not flooding at this point but there could be in the future. Councilman Erdei stated you are saying that we should make it mandatory thing? Councilperson Gee answered I think that any new development of any kind it should be mandatory for drains to be set prior to the building. Then it saves future, it saves future for the neighborhood. Councilman Erdei stated my concern is now too our Stormwater system that we have will that be able to handle that other extra water flow coming through backyards because our streets can't it right now. Councilperson Gee stated it goes into it either way into our storm water, either way it goes into it but it is causing erosion and in some cases it is causing the brims of driveways to come loose, it is causing a lot of issues on our streets too. Law Director Graves stated the yard and woods just drain into the ditch or whatever existing storm water mechanism is in place. Councilman Erdei stated I am half and half on this but leaning more towards making the builder put them in though because farther down the road it will help and can't hurt. Law Director Graves stated most of the houses that we are seeing are individual houses being built on individual lots, we really don't have any subdivision as there is not a lot of land left in Sheffield Lake for a new subdivision. There is a couple of places. Councilman Erdei stated in the most recent ones they have a backyard drain in them. Councilperson Gee stated but if we allow someone to build and not have it and in the future there is an issue all we are doing is costing the future owner a lot of money because that is when the city is going to come after them and say you need to put

this in. If it is the contractor putting it in when they are building the home that is virtually hardly any additional money at the time. Councilman Erdei stated so no matter what any new homes built in between old homes or whatever it is mandatory to put a backyard drain in. Councilperson Gee stated mandatory to put proper drainage on the property, some people it is the side yard that is lower just proper drainage on the property period. That hasn't always been the case in this city. *Motion by Gee/Second by Erdei to make sure legislation reads that it is mandatory for proper drainage to be done on all new homes. Yeas All. Law Director Graves stated so are you requesting that this version be sponsored for the Council meeting. All yeas were heard. Chairman Kovach advised if you can have it by the August Council meeting. Mayor Bring stated I asked the Building Inspector and he said absolutely you should recommend them and I was just talking to Pat and he states our Engineer does recommend that he puts it in the topo for each one of the new houses regardless if it is a subdivision or not. I did ask that question simply because of the simplicity of putting it in during build. Councilman Erdei stated plus the neighbor will be happy, you have to think on both sides of the fence and it can't hurt.

Chapter 159 – Law Director Graves stated the creation of the duties of the Economic Development Advisory Board. Councilperson Gee stated I wasn't here but my main issue with that ordinance was we can't fill the boards we have already, why do we have even have this board? I don't understand why we have the ordinance or have the board? Law Director Graves answered well you have two options; you are right the codified ordinance creates something known as the Industrial Development Committee and this is an antiquated thing designed to try and lure Industry to Sheffield Lake. It has never been used nor have we ever had anyone on this. So it either needs to be stricken or what other communities have done is they have created an Economic Development Advisory Board which would meet and make recommendations to kind of encourage economic development opportunities in Sheffield Lake for new construction/new business things like that. So I figured it is already on the books, if you wanted to just amend it to create an economic development advisory board you can do that. If you want to just delete it we can remove it. So there is a draft ordinance to amend to an economic development advisory board. Chairman Kovach stated I just wanted to restate that because I am reading that in our minutes here. It is ready to amend is that correct? Law Director Graves stated it is written same as the other one and you have the legislation. Councilperson Gee stated paragraph 159.02 membership, what does the new one say because as I say I don't have a copy of that. What does the new say? Law Director Graves stated Council, the Mayor and other city officers will not serve as members of the members of the economic development advisory board but will assist in the preparation of literature and other information as needed including financial help from the city if such help is available. Councilperson Gee stated once again that comes back to the fact that we need citizens to sit on a board, another board when we don't even have the boards that we already use filled. Citizens sitting on a board

do not necessarily know what is better for the future of the city. Chairman Kovach stated then is it your recommendation just to repeal this? Councilperson Gee stated my recommendation from the beginning was to throw this out. Chairman Kovach stated I am only looking to at this moment but she does make one point but if we leave it and amend it that would then fall to the hands of the Mayor or whoever that is in the future to fill that board. Mayor Bring stated obviously filling boards like that you want to have somebody competent on there that knows what is going on. So it would take some time to do that. Councilperson Gee asked who does that for us now even though we have this in record and no one really is doing this, who has been doing it for the city since we bought the shopping center? Law Director Graves stated really no one, everybody does the best that they can. Once in a while we in committee we discuss ideas to attract business to the city, we did designate the city as a Community Reinvestment area and we are in the position to offer up to 15-year tax exemptions for new construction, job creation. That project also created a board to make a housing counsel which we haven't found anybody to sit on either. I don't necessarily agree that because we have a hard time finding people that want to participate in our city government that we should just not have any boards or committees for them to sit on. I mean some of these can serve a very useful function and a committee like this meets intermittently for the soul purpose of looking at the city, looking as a long range strategic planning and just making recommendations of how we can try to attract businesses to Sheffield Lake. I think it could serve a purpose but again it is up to you, if you don't want to have this committee we can very easily repeal Chapter 159. Councilperson Gee stated you have got it where their supposed to meet monthly, at least the one that I am looking at. She read it is recommended regular monthly meetings be scheduled with special meetings held whenever needed. Law Director Graves stated recommended. Chairman Kovach stated let's just say at this point and the Mayor had got his plate full as it is but as time goes on and things progress and we may have a future Mayor that is more aggressive in this area, *Motion by Kovach/Second by Erdei to keep this intact and that we do amend this to be retitled Economic Development Advisory Committee and if additional language were to be put in there to fit the need on this where right now no we do not have a committee but they could meet as often as needed after a committee is formed. Councilman Erdei stated it is good to have people if they are knowledgeable. I think it is good that we get different views from different people but hopefully they are qualified enough to where they can make a decision or give an idea on which way we want to go. I know with the whole city we know kind of which direction we are headed and we are doing good and Mayor Bring and everybody is doing good job of that. If we get somebody that at least, we got to have at least 4 on that. Mayor Bring stated max of 5, quorum of 3 to have a meeting. Councilperson Gee stated my question on this is if you recall about 10 minutes ago when we were talking about old business; item a, Industrial District it was made clear that we don't hardly have any left. So if we don't have hardly any Industrial

why do we need an Industrial committee to help develop Industrial? Law Director Graves stated this economic development, you are right we are not trying to attract heavy industry we are trying to attract business retail. Councilperson Gee stated so this won't even be a part of that anymore, Industrial because it was originally part of the Industrial right? Law Director Graves stated the whole thing has been changed from the Industrial Development Committee to the Economic Development Advisory Board. Like I said since it was already there I think that the purpose was to try to attract business, at that time you were thinking Industry but in this day and age it is about attracting retail, small business to Sheffield Lake and so it is on the books and I thought that we would just modify. If the consensus is you don't want this extra recommending body and you don't think that they will serve a purpose or you don't think that you can find them like I said we can put together an ordinance repealing it all together. Councilman Erdei asked are they're opinions or whatever from this Board, it still has to go before Council and Planning? Chairman Kovach stated first off the Mayor would be appointing. Law Director Graves asked are you talking about this proposal? Councilman Erdei answered yes. Law Director Graves stated you would have to move to sponsor it onto Council. Chairman Kovach stated that was where my motion was. Councilman Erdei stated I have been trying to figure this out a little bit. Chairman Kovach stated I haven't held a vote yet so keep talking. But my point is that this Mayor or any other Mayor is going to be appointing these people. I don't think he is going to go out of his way to find people that are unqualified to make these recommendations. I would think that Dennis or any other Mayor would do due diligence to find people that were interested and qualified at doing this and against your discussion I would think he and those people would looking towards the best interest of this community. Councilperson Gee stated good point but instead of it consisting of 6 members and instead of it meeting monthly, could it be as needed? Chairman Kovach stated that was part of my motion, I didn't have the number of people but I said at this time as needed. Law Director Graves stated it is beneficial to have an odd number of members so that you can get an outcome and not a tie. So if you want 6 you could have a 3 to 3 so you want it 5 or 7 so chances are you can't have a tie. Chairman Kovach stated all my motion stated was that. Law Director Graves interceded by stating maybe you should restate your motion because we are in discussion on it, I think Rosa is making a new proposal as far as membership and monthly meetings. Chairman Kovach rescinded his motion, Councilman Erdei rescinded his second. Chairman Kovach stated go ahead. Councilperson Gee stated I am waiting to hear what yours was, I was just asking you questions on yours. Chairman Kovach stated well how people do we have, what does it state at this point? Does it have a number of people? Law Director Graves read, the Mayor with the approval of the majority of Council shall appoint 5 qualified electors, not holding any other elector or appointed office or position of the city to serve on the Economic Development Advisory Board. Chairman Kovach stated okay I will now make the motion once again, it is going to be basically the same thing

because it would not be my choice to change the amount just for the reason that David has stated. *Motion by Kovach/Second by Erdei to amend the Industrial Development Review Committee to the Economic Development Advisory Board which would be a committee of residents of 5, residents appointed by the Mayor and their sole purpose would be to make recommendations only and at this point and time that they would be scheduled to meet as needed if and when the Mayor finds and appoints the necessary people. Yeas All. Chairman Kovach stated yes this is recommended to sponsoring this legislation to move forward to Council David. Law Director Graves stated for August. Chairman Kovach answered at whatever is convenient, if August is good if not this one can go until September and this one will go for three readings anyhow.

Councilman Erdei asked did you ever find out about the golf carts? Chairman Kovach advised under item B under New Business.

NEW BUSINESS:

Options for driveways in violation – Councilman Erdei stated I kind of agree with the Mayor on this one about putting it in escrow for when people sale they're home or buy it to make them have an asphalt or concrete drive. I think that would go over a lot better for the city residents and everything instead of pushing what we are doing right now. Mayor Bring stated it could also revert back to the original thing, if they want to put it back to the grass they can do that. If they do apply again they would have to put in concrete. So if a new homeowner came in and decided to add on they would not be able to put gravel on it, that is all it would stipulate. The only reason that this would work and I talked to the building inspector on this, it may take 20 years for everything to work but at least there will be some kind of an avenue in there for this work out. This way it won't effect and there is probably over 300 of them the way they are right now, driving around so if you make it mandatory and all come down to the same time you are going to put a big burden on everybody. So with this, if you sell the house like I said they will have a couple of different options to do this and if they don't want to do it they can just put it back to grass. There would have to be some kind of an escrow but if the house sold in the winter time obviously they couldn't do work. So the only thing would be working out something monetary which we could get a couple of contractors to bid it to get an idea of what it would cost. Councilman Erdei confirmed that is currently what our city does with the sidewalks now with new homeowners? Mayor Bring answered correct. Councilman Erdei stated I have never heard anybody complain about that yet when buying property. Mayor Bring advised when it was first instituted it was with the relator selling the house and stuff like it became a little bit difficult but I think with anything if we send out notifications to all the real estate companies. Obviously they are not all going to pay attention to that but as the building inspector goes around and does his inspections he will notify them during his inspection time too. I would imagine there will be a few hiccups the first year we institute that but after it gets

going it will be fine, just my opinion. Councilperson Gee stated I agree it makes sense this way. Superintendent Hastings asked what if the primary driveway is gravel? Mayor Bring answered they can stay the way it is. We have a lot of existing ones of that and I was actually going to have the Property Maintenance Officer gets photos of that, a list. If somebody has an existing gravel driveway we are not going to force them to put new concrete in, if they want to leave it that way then they can leave it that way. Chairman Kovach stated there is more of them then most people would think. Mayor Bring stated I drove around and looked at a lot of that and there are and I was kind of pretty surprised because I was under the assumption that there was maybe a hundred out there but there are several more than that. You got to look back and the way Sheffield Lake when it was coming around, this was all cottages and everything else. Basically that was everybody's driveway as most of the back streets were gravel. (inaudible voices speaking at same time). Councilperson Gee stated just like the sidewalk law right. *Motion by Erdei/Second by Gee to draw up legislation to make driveways as we govern/manage our sidewalks for new homeowners, that we keep it the same as the sidewalk escrow. The same way that somebody buys a house and they have to put a sidewalk in. This way if they have gravel, it can stay gravel but they cannot have gravel next to concrete or asphalt. Yeas All.

Prohibiting of golf carts – Law Director Graves stated there was some concern because of some proposed change of state law regarding golf carts and several years ago we had passed an ordinance prohibiting on the city streets. When they went back and looked at the code we couldn't find it and just before the recollection what happened was Council passed it and that was vetoed by the prior Mayor and then Council voted again to override the veto. Somewhere in that process because it actually was vetoed it was not included in the codified ordinances. It was passed and the veto was overridden and we have that documentation but for some reason it wasn't sent to the publisher so that has now been taken care of. We do prohibit them on the city streets. Chairman Kovach stated as you know Lorain is a statute city is that correct? Law Director Graves answered yes. Chairman Kovach stated we have a citizen in Lorain that licenses a cart and unknowingly drives in this community not knowing that the statute on that. How is that handled? Law Director Graves stated first of all you are not supposed to operate these on any streets that in excess of 25 miles an hour. So I don't know if they would be coming down Lake Road into there but anyway they would be subject our code on that. Chairman Kovach stated so are we going to hanging signs prohibiting golf carts on the city entrances? Law Director Graves answered no. We will use discretion and Officers will give warnings. We had someone cited just recently on a mini-bike that apparently was told it was allowed to be ridden in Lorain which I don't know if that is true or not but it is certainly not legal in Sheffield Lake and that person was cited.

Mayor Bring stated just recently we have had some complaints about chickens. Chairman Kovach asked on Lakewood Beach? Mayor Bring answered regardless of

where it is at, personally I really don't have any problem with it but the problem we have had is we have a noise ordinance which pertains to the roosters. The roosters obviously all day, morning or whatever so there are people that are getting upset about that. I think if you look in our ordinance, it addresses the noise but it doesn't specifically address the roosters. So I think if you guys get a chance take a look at some of that stuff and see if we can't think about that and see how you want to address that. If you want to leave it alone that is fine but we have got a couple places where there are a little bit more roosters, chickens then there probably should be and then they are talking about purchasing other animals which we do address. When David was looking at stuff the other day it was a little bit difficult to send somebody a warning because it was kind of vague. I think all we need to do and like I said personally I really don't care because if you want to have chickens as long as it doesn't interfere and you take care of them and it doesn't smell and it doesn't interfere with the neighbors and you keep it to a minimum then there is not a problem. Councilperson Gee asked doesn't it fall under our farm animal ordinance? Law Director Graves stated the chickens are not considered live-stock as we define live-stock, they are considered fowl. We do have an unreasonable animal noise and we use that in the past for roosters, actually we amended this back in 2011 I think for a rooster. Before that it was just the barking dog but we amended it to pertain to the rooster crowing, so if you have roosters that are making noise we can address that. We also have property maintenance codes which prohibit any kind of foul, noxious odors so if you are not keeping it clean and sanitary we have that kind of thing. We also have ordinances that require for live-stock; proper pins and enclosures that are to be located so many feet (50 feet) from any dwelling, 150 feet from the road which really preclude the keeping of those types of animals anywhere in the city because there is hardly anybody that has a lot big enough for that. But that does not particularly pertain to fowl, that is only live-stock so if you wanted to keep them and kept them very clean and didn't have a rooster I think you probably would be allowed right now. So if you wanted to consider that question about prohibiting chickens you could do that. Councilperson Gee asked so we can consider that at another meeting? Mayor Bring answered sure and we also have a couple of them that they leave loose and they are running through neighborhoods. If you go down Harris Road you will see the red one running through. Again it personally doesn't bother me and in fact for the most part it doesn't bother a lot of people but there are people that are very offended by this. I just think that the rooster could be a problem because we have already got a couple of situations. Law Director Graves stated we have questions where people want to keep let's say a pot-belly pig or a pigmy goat, pigs and goats are considered live-stock. However, these are not kept outside in a pin, these are kept in the house as pets. Small little pigmy goats or pot-belly pigs, they just let them out like dogs – they go to the bathroom and they bring them back in. So you know we actually let that go as long as they are kept in the house. People are looking at these things.

CITIZEN'S COMMENTARY:

Mary Eichelberger, 318 Erieview stated the only thing that I wanted to say was about the sidewalks, do they still have to make your sidewalk where when people walk on the sidewalk, some of them are still uneven a lot? Chairman Kovach answered I believe that would be handled by the Building Department and I think there is a maximum. Mayor Bring advised yes you are right and I think the Property Maintenance Officer which he doesn't even realize that, I could probably inform of that and let him check a couple of them. Do you have a situation where it is real bad? Mrs. Eichelberger answered yes on our street. Mayor Bring asked what was the address? Mrs. Eichelberger advised of her address but stated it is down from there, it is quite a ways down. Mayor Bring asked east, west, north or south? Mr. Eichelberger answered it is west side. Mayor Bring confirmed on west side north of you? Mr. Eichelberger answered yes.

Michael Eichelberger, 318 Erieview advised I have a little discrepancy with the Building Department who issued a permit to my neighbor who wanted to put a gate on my property. The reason I had a problem with it is, it is right underneath my overhang. Twenty years ago I had my basement water-proofed by Ohio State Waterproofing and they did all around the outside and left the existing drain, they put another drain in the ground underneath that and they also went around the inside of the house. Now this is guaranteed for the life of the house, foundation and everything. She had a friend of hers call me last year when she wanted to put this fence up and told him I didn't have a problem with it but let me call Ohio State first. They told me not to dig within 24 inches of the house. Now they dug, what happened was I wanted them to move the pole forward a little bit just so it was out not 24 inches away from my house and I wouldn't have had a problem and it still would have been on my property. I didn't care about that, I just didn't want them to dig and hit that drain pipe and void my warranty. So that was the end of that last year and then this year I come home from work here a few weeks ago and they dug a hole right next to her driveway which is only 20 inches from my house so the pole was inside of that. The pole is only like 16 inches from my house – the first pole, then there is another one that is only 4 inches from my house. They put 2 poles up so they could block that off because of their dogs. Now at that time my wife called the Building Inspector because they never got a permit and they should have got a permit and the Building Inspector came out and looked at it and said he was going to give them a permit. Now she went to the Building Department and the girl that works in the office, the woman that owns the house she told them that this was on my property and I guess she had a diagram – this was the girl that told me in the office. She said that woman told her that it was on your property but they issued her a permit. I said how can you issue her a permit? Chairman Kovach asked David where should this really be going? I am letting him finish the story because he has come but where

does this go? Law Director Graves answered this is really more of an administrative concern, I don't know if these questions are properly addressed to Council. Did you talk to the Mayor? Mr. Eichelberger continued I mean I didn't have a problem, I mean if she would have moved that pole up like I said and put her fence or gate at a little bit of an angle I didn't have a problem with that. But for her to go ahead and do that. Now they tell me they didn't hit the drain but do I know that for sure – no, I don't know that. I had to call Ohio State Water Proofing, they came out and they looked at it and they said the only way we are going to know is we got to dig it up. So I got them scheduled to come out and dig it up and investigate it because if they hit the drain that would void my warranty. I mean I got carpet in my basement and I sure don't want to get water in my basement and I just think that the Building Department should not have given them a permit and I have pictures to prove this fence is at and the ordinance says when you cannot put a fence on someone else's property. Chairman Kovach stated that is where you had me lost before because you say they issued a permit for this fence but it is on your property, technically it is your fence. Mr. Eichelberger stated no it's not, it is a gate. Chairman Kovach answered it is on your property, it is yours. Like I say I let you finish your statement here even though. Mr. Eichelberger stated the answer I get from the Building Department is I have to have my property surveyed to prove that it is on my property. Mrs. Eichelberger stated it is under our under-hang though. Mayor Bring stated you got 2-foot overhangs. Mr. Eichelberger stated I would think that they would have to prove that it is on their property before their entitled to build there. Chairman Kovach asked couldn't they camera that, he has got a drain going through? Mr. Eichelberger stated Ohio State Water Proofing said they can't, they have to dig it up. Law Director Graves stated when they come in they would be required to show a plan that shows that fence on their property. So when they came in they showed some and I wasn't there and I am sure what they showed was some diagram that showed that they were going to put that fence on their property. If they went out and built it and it winds up on your property, that is a civil matter between the two of you. They just made an encroachment on your property and you have legal recourse but the city doesn't go out and make a determination of where people's property lines are. We are not surveyors we can't make that call so if someone doesn't follow the plans that they gave the Building Department then shame on them. They will end up being liable. Mr. Eichelberger stated I guess she brought a diagram in and she told them that it was on my property and still issued a permit. Law Director Graves stated I don't believe they would issue a permit for a structure on someone else's property. Mrs. Eichelberger stated the Building Inspector said he was going to give it to her though. He already said that, he said that right to my face. Mayor Bring asked how long ago was this? Mrs. Eichelberger answered 2 to 2-1/2 weeks ago. He came 2 days after that. Chairman Kovach advised at this point I would say that you can have further discussion with the Mayor who would really handle this. I understand that you came

to Ordinance because you had a question about an ordinance. Mr. Eichelberger stated the ordinance says that you have to make sure that it is on your property.

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 8:25 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 July 7, 2016.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso