

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
September 1, 2016

This regular meeting of the Ordinance Committee was held Thursday, September 1, 2016. Chairman Kovach called the meeting to order at 7:25 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Attending: Mayor Bring, Law Director Graves

MINUTES: July 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 – Law Director Graves advised you should still have the draft prepared for the Industrial.

Subdivision regulations – Law Director Graves advised nothing new on subdivision.

Building Permit fees – None.

Installing yard storm drains at new construction – Chairman Kovach advised it had its first reading at the last Council meeting, so it will be up for a second reading.

Chapter 159; Economic Development Advisory Board – Chairman Kovach advised that too will be up for its second reading at the next Council meeting.

Options for driveway additions, amend section 1345.01 of the codified ordinances of Sheffield Lake regarding certifications of occupancy – Councilperson Gee stated at this time I would like to bring up the fact that I didn't mean for it to onto Council. I didn't know how to ask David on drawing something up for us to review here. I have learned since then that I did not do it the appropriate way and next time I will make sure that hopefully I will remember not to make that mistake. I thought that we would review it here before it went on any further. I did notice that a Council member did have major issues with it and really did not feel it should be passed. At the same time it has been brought to my attention as I started researching and going through. We had discussed this at Worksession February 16, 2016 and if you look it is on pages 5 and 6 of that Worksession minutes. We also discussed it in Ordinance May 5, 2016 on page 8 and we also discussed it in Ordinance again June 2, 2016 page 3. We also discussed again in Ordinance July 7, 2016 page 8. We have discussed it quite a bit, we just hadn't seen the legislation brought up. At this time I would like to ask as everyone was doing research into this and everyone seemed to remember, well not everyone but quite a few people remembered that there had been a prior ordinance back in time somewhere. So I contacted Clerk of Council and we were trying to look and Mayor, can you show us what you found. Mayor Bring stated

I also remember that too and we went back and I had Kay pull a few. We had in ordinance#107-80, if you look at item a at 703.05 the driveway should be a minimum of 10 feet in width, full 6 inches in thickness. The apron from the sidewalk to the curb line on the paved streets shall be Portland cement concrete. On unpaved streets, the aprons shall be 5 inches of type 304 aggregate base covered with 2 inches of a type 404 asphaltic concrete. The apron shall be 10 feet in width at the sidewalk line and 16 feet wide at the curb line. He advised all that this says is that anything in parking has to be asphalt or concrete. They looked back in 1970 and they knew that this was going to be an issue and they had the foresight to go ahead and say this is the way it should be. I know that we have talked about this in different ways of how we are going to handle this. Now we have a law that is in effect since 1970 and there is also parking on the grass which was in 1995 which I also have that ordinance right here in front of me here which I can give to you guys. The fact of the matter is that in 1970 Council saw enough problems to make action to vote on this and now it is 2016, we have a couple of people; the President of Council and another Council member that thinks that people should be able to put gravel down. I don't think we should digress, I think we should move forward. I know that I had to mentioned it to you Mr. Kovach that I don't think in your neighborhood that you would want to see gravel next to anybody's driveway over there and I know that one time I asked you you shook your head. I don't know if you still believe that or not but we got a lot of streets around here that I don't believe should be added with gravel and this is what is happening. If you go down Irving Park it is absolutely disastrous down there. There is a lot of that going around everywhere else. I know Mr. Smith made mention to me that he has a friend over there that put gravel in the tree lawn and he is parking on it and it looks real nice. Well the fact of it is though it is illegal. I have a lot of people that come up to me and say can I do this, can I do that and I flat out just tell them no. They respond with is there anything that you can do for me. He advised I don't do it for friends, you got 9000 people in this city and 3000 people that are homeowners and you have to look out for the whole city. If you think it is proper and that is what you want to do then this is what we need to move forward on. I don't think we should look at one buddy or this person or whatever, I think we have to look at it as a whole. We have to look at whether the property values are going to go up or go down. If we let this go on I think the property values are going to go down. If we fix this problem and I think what you guys actually came up with I think is a good idea, it was partly what my idea was too but I think that this gives the people an opportunity to either revert it back which is only going to be a couple of hundred dollars to put it back to dirt or they can fix it but they can't leave it in gravel when they go to sell the house. Yes, it may take a while for this to do it but instead of going and start to penalize everybody at the same time which by the way I would have to do because that is what Mr. Rosso said to me. There was a gentleman over on Dillewood over there that was in violation and he called me probably five times demanding that we do something. Well what is the difference between that and this.

So if he wants to be adamant about this doing that then we are going to be adamant about this. If we do it the way that it is in there and say it is illegal and go back and start penalizing all these people, we are going to have a couple hundred people in here and I am going to say it is not because of me. It is because of a couple of people here that don't want to do it the right way. We have got an issue and we need to correct it and if a couple of people don't believe in ordinances then I don't know why you guys are sitting up here because that is what the Ordinance Committee is, it is to review these things either tweak them, if they overlap then you get rid of whatever has to be removed from being overlapped. These are what the city follows as far as how the city should be ran and I don't think we should pick and choose what ordinances we want to abide by and which ones we don't. A couple people up there seem that is the way they want to follow the rules and if they are so concerned about it they should be sitting in the audience right now and voicing their opinion. Not after you guys have done all the work and then sit there and say I don't like this, that is not fair for you guys. You guys have discussed this for a long time. But I have all the information here if anybody wants to read it but it specifically spells out what should be done and what shouldn't be done. I don't see what the problem is and like I said what you guys have come up with is more than fair and gives everybody time to resolve that. I think David is probably going to bring up something about the escrow account because we may run into a little bit of a problem with that because it is different then what the sidewalk thing is. So I think David is probably going to say something about that. If you want my opinion, you guys are the Ordinance Committee and yes you should look at all this stuff but you shouldn't be intimidated by other people saying you have to do this or you have to do that. I think that was unfair for them to come up to you and start badgering a couple of you people up here saying you didn't do the right thing. They are just as responsible as you guys are. All you are trying to do is guide them and send that over to Council or Worksession, however they want it but we have done things differently each time and all of a sudden it is wrong and I don't know what happened there. So I was a little disappointed on how that all came down the other night. The reason I said what I said was just the fact is that no we aren't going to be able to enforce this before winter time comes so yes we have time to work on this but I think it needs to be resolved. That is just my opinion unless you guys have anything else you want me to say but I was disappointed because like I said I think you guys put a lot of work into it and got chastised for something that you shouldn't have. Councilperson Gee stated August 25, 1970, the ordinance was redone section 2. The codified ordinance section 1160.02 which presently reads as follows; with the exception of R-1 and R-2 residential districts, all parking spaces, drives, approaches and aisles shall be hard surfaced concrete or asphaltic concrete or similar materials. Is hereby amended to read as follows; All parking spaces, drives, approaches and aisles shall be hard surfaced concrete or asphaltic concrete or similar material. That this ordinance shall take effect and be in full force and effect at the earliest period allowed by law.

PASSED August 25, 1970. Law Director Graves stated so what you are talking about is codified section 1173.02, this particular section in my opinion that provides for asphalt this in reference in my opinion to commercial; asphalt parking lots. Any new driveways pursuant to the more specific ordinance which is the 905 must be Portland cement. I think in focusing on this 1173.02 for residential again most of what we are talking about residential, must be cement. They don't have the option for asphalt so that is the first thing. Secondly and I can touch on it now, the way I drafted this as I was directed is tied to the certificates of occupancy that would have to be corrected over restoring to the grass. As the Mayor said I did not put anything in here about the ability of the homeowner to escrow money for the city to eventually do it in the same manner that we do the sidewalks. I don't believe that that is something that is in the best interest of the city to go down that path. Sidewalks are different, sidewalks are within the public right of way and we do them all and it is very straight forward. Now you are talking about escrowing money for the city to enter upon someone's private property to pour a private driveway and all of the potential problems that go along with that. So my recommendation would be to not allow the option for them to escrow money and for the city at some point in the future pave driveways for homeowners. Chairman Kovach stated the only thing that I would think that you would do in that area would be if a home was sold during the winter months where it was reasonable to try and pour the cement where they would be given X amount of days or months or something like that. Law Director Graves stated we have done that with other things with the point of sale, we have had situations where there was a large tree that had to be removed, things like that. Where the weather would not permit it and we would say we will give you occupancy for 6 months but this must be corrected within 6 months or your occupancy permit expires and then you run the risk of being cited into court for failure to obtain an occupancy permit. So we would have to option to give a reprieve. In that situation you are talking about the buyer, the new occupant assuming responsibility for that something the seller and buyer would have to work out in their purchase agreement. Councilperson Gee asked how is that going to be done with the real estate agents or the title offices? Law Director Graves stated it would just be one more criteria on our already existing point of sale inspection. We already do inspect for a number of different things on every sale, we are one of the few cities that still do it. Most of the real estate agents are well aware of that when they are selling homes in Sheffield Lake, they know you have to get a point of sale. Chairman Kovach stated I never in any way, shape or form in regards to your one statement felt intimidated or anything we had spent and it is all right there, we started in February and we did not have any discussion in either March or April but we went May, June and July. It was then requested that you come forth with the legislation, the only thing I didn't understand was your email until tonight where when I suggested that we draw up the legislation I had only place for it that I thought it was headed without you suggesting to bring it back here as written before final discussion. But that is neither here nor there, I was ready to go forth with the

whole thing. There is many options to slow, stop or discuss it at Council, could be at any time tabled or brought back or sent back to committee like it was and it was never a push as there was no emergency. There was plenty of time to discuss it. Mayor Bring stated that is what I said and I tried to leave it that way and I wasn't trying to push the issue. I haven't done anything as far as enforcing what is going on right now until we decided to do this because there was no need in starting everybody in an uproar so I left it go at that. I had stated to Mr. Campo that next month we are going to put on the water bills that we are going to stop everybody from parking on the grass again. We let it lapse over summer time and everybody has taken advantage of that again so we are going to give out warnings and stop that and then we are going to go back to that. But this I am not going to do anything with these until we make up our mind here but yes, to try to get something done before winter time and enforce this it would not be good for the city and would not be good for realtors and would not be good for the Building Inspectors. So please feel free, but when these two got here the other day a couple of them came up to them and said that they did everything wrong and I don't believe they did anything wrong. I didn't feel that was very nice. Councilperson Gee stated Steve you weren't here for that. Mayor Bring stated they came in and yelled at them before Council. Councilperson Gee stated before a Council meeting we had a talking to. Chairman Kovach stated I know we had a thorough discussion on this, I think we worked out every option. I am glad that you actually did your soul searching in between and I think that is when you started bringing the ideas forth was either May or June as far as when we all started riding around and seeing all the additional gravel driveways. Mayor Bring stated again there is a misunderstanding that the gravel driveways that are existing are going to get effected, they are not going to get effected. If it is still gravel then we are not going to do anything with that, these are only what we described that there already a concrete driveway and they have added onto that. Again they have every opportunity for a couple hundred dollars to take the gravel out and put dirt back in and it is done. That is all they would have to do and if they want to go back and redo that then it has to be done properly. That is all we are asking, we are not trying to strong-arm somebody or whatever and I think it would cure a lot of problems around here. I really do because it is more prevalent then you want to believe because when I was driving around I was actually pretty surprised. Chairman Kovach stated it just brings back old long memories from when you were kid and all that stuff was there but you just didn't see it. Mayor Bring stated you are probably right because I was oblivious to it because you didn't think about it. But now when these realtors come up to me now and that is one of the things that they have talked about but when people keep talking about their property values increasing. If we keep making the city better they are going to increase and it makes everybody's property values good but some people don't like that because they have to pay a little bit extra taxes but still I think in the long run you don't want your property value to go down. If you pay for something and you get less money and then when you go to sell it that is not

good thing, you want to keep things up plus that makes neighborhood and you bring in better people. That is my opinion, I just don't digress I think we need to move forward and like I said in 1970 you had this and now it is 2016 and now you want to go back to the old way and I just don't think it is right. It is my opinion. Chairman Kovach stated there is no old way other than what was placed in position in 1970, so at this point I guess we should probably refer this to the Worksession and bring this here and compare our minutes and what we did and bring the outstanding ordinances that are already on the books. The option will be that we either move forward with the ordinances that are on the books or we can move forward with what we are proposing now which is I think far more reasonable. Mayor Bring concurred I agree because if it stays the other way then we do have to follow the laws and like I say I have been lax on it but I will have to start enforcing it. Chairman Kovach advised technically that is in your hand, now it is administrative enforcement and they have no say. Complain or not, there is no say in the matter, it is what it is. Law Director Graves asked was it already referred to Worksession too? Chairman Kovach answered no this one wasn't because we had spent. Law Director Graves interjected I thought it was referred two places, I know it was referred back here but then I thought it went somewhere else too. Chairman Kovach stated they talked about referring it back but no then as a suggestion to send it right back to Committee for further discussion. So I think at this point to go in front of Committee of the Whole, at Worksession would be appropriate because I believe we did our job and we didn't do it hastily, we spent 6 months doing it and we are 2 months past that. Law Director Graves stated committee did consider the alternative proposal which was what the Building Inspector said which was where we do the 6-month moratorium and we publish it everywhere that if you have one of these things you have to register it and we would set parameters and at the end of that 6 months we would have a file of all the registered gravel extensions and then after we are going to enforce this. If you see one you say are they in the file, nope – then they get a ticket but if they are in the file well then they registered during that moratorium. That was another approach that this committee decided that it was a better approach do it with certificates of occupancies but you did consider an alternative proposal. Chairman Kovach stated the only thing that I would suggest for things like this in the future as you come up with trains of thought that perhaps it would be best to go forward and try and find any ordinances that are in place already and then have them ready to intermingle with conversation to see if it is even necessary. Maybe it would be a necessary conversation to improve what is on the books for whatever it might be, any ordinance that we might want to change like that. Law Director Graves stated oh you are not just talking about driveways you are talking about any ordinance. Chairman Kovach answered right, I am just saying that if we come up with ideas or something that is already on the books. Mayor Bring stated I think in this case you guys did your due diligence because we all sat here and thought about this and do we want to get everybody angry and do this within a 6-month period or do we want

to give them time to fix this. This is all we are doing, we are trying to be a little less obtrusive to these people and give them an opportunity to get it fixed because when you sell the house it is a little different then okay in 6-months you have to do this. You know things happen maybe they lost their job or something else, I don't know but there is a lot more involved in it that way versus this way because this way it is a simple fix, a couple hundred dollars for dirt or you can do it the right way. Councilperson Gee stated I have one more question, on the homes that get foreclosed on by banks we will make sure that it is enforced that they correct the issue? Mayor Bring stated I think we will have a lien on it of some sort if we have to, can't we? Councilperson Gee stated I know the land bank has done more in helping us. I heard tonight how much money they have brought in on back taxes so far. Law Director Graves advised the properties that are bought by the banks they don't get a certificate of occupancy they don't intend to occupy the house so there is no point of sale inspection. If the bank sells the house to a buyer that intends to occupy it then they would have to have the inspection and get their occupancy and then if there was a driveway issue they have to driveway it. But just a foreclosed home, that is why they sit there vacant not occupied. Mayor Bring stated then we found out today, we were doing a little research with the building maintenance supervisor looking at it banks have actually foreclosed and instead of putting it in the banks names they have left it in the peoples name. Law Director Graves stated Tom have talked about that, many times for whatever reason banks will just walk away from a foreclosure action. What will happen is homeowners will move out thinking their house was foreclosed on, they don't participate in the legal proceedings at all. So years go by and there is maintenance issues so you contact the owner and it is still the registered owner who says what are talking about that house was foreclosed on 5 years ago well it is still in your name. What happened was when you check the court docket and the bank went only so far and then it says on motion of the plaintive which is the bank case dismissed. So what happens they made some sort of internal decision that this was going to be a walk away, that they are not going to be able to recoup their money and they don't want to deal with it maybe it had too many issues and the bank just said heck with it and walked away and then it is still in prior owners name. Those people still own it, they are still responsible for it. Chairman Kovach stated but they don't owe the bank any more money. Law Director Graves advised they still do, the note is still good it is just the bank chose not to foreclose on it. Mayor Bring advised we are not getting any taxes on it and nobody is taking care of it, it causes a lot of problems. Chairman Kovach stated I guess that would be on the administrative end anyways. There is nothing Councils hands on that. Law Director Graves advised Sheffield Lake is not alone in dealing with these types of issues. Chairman Kovach answered no I am just saying in answer to her question that would be in your hands and the legal department under the Supervision of the Mayor in a total administrative manner on that one. Councilman Erdei stated I am just saying that we will discuss it in Worksession but I don't see no problem with it. Everything was good for me and

Rosa, everything was done and what more can you ask? *Motion by Gee/Second by Erdei that item; options for driveway additions amend section 1345.01 of the codified ordinances of Sheffield Lake regarding certifications of occupancy be sent to Worksession for review. Yeas All.

NEW BUSINESS:

Councilperson Gee advised the man on the corner of Alameda and Ferndale, he originally was contacting us with issues of the odor coming from the drain. Since our people were busy and I am not sure if that issue got addressed. Chairman Kovach advised is this Roads & Drains. Councilperson Gee answered no it is ordinance, now he is contact us about the ordinance in respect to maintenance of the weeds being removed from along the curbs of his residence and other residence down Ferndale. It is an ordinance and he wants to know why it is not being enforced, so that brings it to ordinance. Chairman Kovach advised no it doesn't, if you want an ordinance enforced you go to the administration, the building department, the Mayor. Law Director Graves stated he is saying that there are weeds in the tree lawn that are impeding? Mayor Bring advised no, the sidewalks. Councilperson Gee added also the curb and gutter. He has sent me a dozen pictures yesterday. Mayor Bring stated he wanted us to okay that he go spray the weeds and do everything and I said no we are not doing that, that is the owners responsibility. Law Director Graves stated that is right, it is the homeowner's responsibility to maintain the sidewalks in front of their residence, just like clearing up snow and debris. Mayor Bring stated what I will do is actually pass that onto the Property Maintenance Officer and then he will have to send a letter. Chairman Kovach asked is it his property that has weeds or is it one like next to him or something? Mayor Bring answered somebody else's. Law Director Graves advised all they need is a notice that you have to correct this with your sidewalk. Mayor Bring advised he wanted us to ok him spraying and I said no. Law Director Graves stated he is going to go spray weeds on someone else's? Councilperson Gee stated yes he wanted us to donate the weed killer too. Chairman Kovach asked is this a vacant lot? Councilperson Gee stated some of them are and some of them are not. Mayor Bring advised first of all you have to be certified to spray. Law Director Graves stated if he would have just went over there with some round-up we would have never known. Councilperson Gee stated no he wanted us to buy the round-up and asked if he could come to ordinance to discuss it. Mayor Bring advised I think I did mention it to Pat and we did talk about that and I don't know if I have said anything to Tom yet or not but if I didn't then it is my fault but I will pass that on.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

Council#042 – SECOND READING – an ordinance amending Chapter 159 of the codified ordinances of Sheffield Lake regarding the creation and duties of the Economic Development Advisory Board.

Council#043 – SECOND READING – an ordinance amending section 905.08 of the codified ordinances of Sheffield Lake regarding yard storm drains.

Council#044 – SECOND READING – an ordinance adopting a political activity policy for the City of Sheffield Lake and the declaring of an emergency.

Councilperson Gee asked since these are at second readings at Council, we no longer discuss them in Ordinance right? Chairman Kovach asked David, if something is already in line and it hasn't reached its third reading, we have no problem still discussing that here do we? Law Director Graves answered no you can discuss it. Councilperson Gee stated I just want to voice my concerns once again on the Economic Development Advisory Board. We can't fill the boards we have on the books that are already there and what this Board would be doing, this Economic Development Advisory Board wouldn't that be in the same lines as our Planning Commission? Law Director Graves answered no not necessarily, this Board's sole responsibility would be to make recommendations on how to further economic development meaning attract new business to the city. Planning Commission is more concerned with review of construction, roads, parks, buildings, things of that nature, revisions to the zoning districts throughout the city but I think the Board could serve very useful purpose and I don't think that just because we have trouble filling Boards that mean that the Board couldn't serve a very valid purpose. We went years having trouble the Charter Review Commission, we have to have a Charter Review Commission and we were finally able to fill that and they did a very good job. It is unfortunate that we don't have more people in town who want to participate and take an active role in some of the important Boards and Committees. It is up to you a lot of communities have these types of things. Again to make recommendations on tax benefits, ways to attract businesses to the City of Sheffield Lake which is something that over the years the city has had a difficult time attracting new business. Chairman Kovach stated all this ordinance does is offer the opportunity that this Administration or any future Administration to have such a Board if they so desire, if we don't have this in place and somebody else down the road wants one then they will have to come forth and do it at that time. Whether or not there is members on that is irrelevant, just because we have it doesn't mean that the Mayor is ready to move forward with it. It is just something to have in place. Councilperson Gee stated doesn't the first part of the way it reads say we have to have it. I don't have a copy of it with me but I am pretty sure it says we have to have this. Law Director Graves stated I mean we have a lot of Boards but whether we have them filled or not, if you can't get people to sit on them. We have a tax review board, I don't know who is on that. Law Director Graves stated usually what happens is an issue comes up and we quick try to fill the Board. It is the same thing with the Demolition Board, same thing with

Stormwater Utility Appeals Board. We have a Board right now, I worked to get legislation passed a couple years ago designating the city as a Community Reinvestment Area which was approved by Columbus and right now we have the opportunity if someone wants to come in to offer tax abatements for new construction or additions. That requires the creation of a housing counsel, so we have the housing counsel on the books. We haven't appointed anybody to that but it hasn't been an issue because we don't have any new business construction seeking a tax abatement. Councilperson Gee stated we have all these boards on the books, we have all these ordinances for all these boards and none of them are being used and none of them are being filled. I understand the importance of this in the future but if we have to have this Board with X amount of people and we don't have the people why do we have another thing on the books that we don't have anyone sitting on. Chairman Kovach stated it is just offering the opportunity to have it ready in case we need it. Law Director Graves stated there is a difference between having an antiquated or scrupulous ordinance or a conflicting ordinance that just doesn't make sense. For example, the ordinance that you noticed, the Industrial Review Board it doesn't make any sense for Sheffield Lake so those types of things yes we should repeal them. But if there is a Board that is created that makes a lot of sense for the city, I don't think that just the challenge of trying to fill that Board should dis-way us from creating it. Councilperson Gee stated I don't have it in front of me tonight, I didn't bring a copy of it. I am just interested in if it says we have to have it. Law Director Graves stated no it doesn't say that, it says establish just like all the other boards. We have established the board, the board is in existence. It is just like all the other boards, now whether you fill it or find people to fill it. Councilman Erdei stated but it is in place and it covers us. Chairman Kovach stated if you don't like it at the time of the vote, feel free to vote no. That is your option and I won't have any hard feelings about it. Councilperson Gee stated I didn't think anyone would and it really wouldn't matter. Law Director Graves stated it is entirely up to Council, if you think this would be a beneficial thing for the city then go for it and if you don't think it is necessary or if you don't think the city needs it or serve any real good purpose. Chairman Kovach stated feel free to bring it up during Worksession with Council there and we can get an opinion and have more time to talk about it.

MEETING ADJOURNED: With no further business before this committee,

*Motion by Erdei/Second by Gee to adjourn at 8:06 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

CHAIRMAN

Steve Kovach

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 September 1, 2016.

COUNCIL PRESIDENT

Rick Rosso