

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

This regular meeting of the Ordinance Committee was held Thursday, November 3, 2016. Chairman Kovach called the meeting to order at 7:20 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Attending: Mayor Bring

Absent: Law Director Graves, Superintendent Hastings (excused)

MINUTES: October 6, 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.**

Options for driveway additions, amend section 1345.01 of the codified ordinances of Sheffield Lake regarding certifications of occupancy – Councilperson Gee asked didn't David want to move part of this over to zoning? Chairman Kovach answered that is why I made copies of the first three pages that Kay had sent us, she sent an email in regards to the discussion at the City Council Worksession. Well that was his suggestion and I guess we are the ones to be making that decision for him I guess. Councilperson Gee asked if it gets put in the right location then the Zoning Board of Appeals can hear cases when someone is using decorative material for a driveway or asphalt for a driveway because a huge percentage of our driveways here in Sheffield Lake are asphalt. Councilman Erdei stated we didn't really come to any conclusions in the Worksession on that, it is still kind of up in the air. Mayor Bring advised I drove around and looked at more and we do have a lot more gravel then I anticipated. We have a unique situation there is no doubt about it and the problem that I have now is the people that are still adding them on that is illegal and that is the only thing I have right now. Like I said and I made a comment to President of Council that we are not going to fine anybody or do anything about it until whatever conclusion you guys come up with and whatever you guys come up with we will just have to abide by it and go from there. I still think that adding that to a driveway is still not a way to go for the city. One house on Lake Road, he put a brand new house up with a brand new concrete driveway and then he added on it, I don't understand why you would want to do that, it just doesn't make any sense. If you are going to go through all that trouble for another 3 or 4 grand, you had everything there anyway, just do it. Technically he is in violation because he did it without a

permit. Chairman Kovach advised like I said before you do have the option to pursue what you have under the existing code and you know it would be maybe my train of thought that perhaps you would take a look at what you would think is maybe some of the more serious problems. Mayor Bring answered that is a good point Steve, you know you get the most egregious people and some people make comments, well if you go after one, you have to go after them all but there are ones that extremely poor that probably should be addressed. Chairman Kovach stated my only train of thought on that one is that if you were to pursue action on like I say whatever you consider the most out of place or the worst violations and at that point yes we probably would get some push back on it and some attendance at Council meetings but actually would push this action that we are working on a little quicker. Like I say it is your job to administrate it but once you get into the process of it you can take as long as you want to deal with it. But at least the people in the community would know that yes we are not acting punitively on any of these actions but we intend to curtail them. Again, that is yours. Mayor Bring advised right now we have been watching to see if anybody has been adding anything to that and we will stop those people from doing that because I don't want any more in there but if you go down Irving Park and I keep bringing that up but that is the one that sticks out more than others. As I go down some of the other streets; East and West Drive and Knickerbocker and some of those other ones they kind of stick out too but then you go down like Alameda and some of these other ones where people have added on and you look at that and you go well that doesn't look so bad because of the way everything else is laid out. I am kind of wavering too, one way or the other. Chairman Kovach advised well those lots are a little bit larger because most of those are like 70 footers and I think like a lot of the ones on Irving Park or in the Knickerbocker or those I think are 55 or 60 foot and they stand out more because of the small size of the footprint of the lots. Councilperson Gee stated I was wondering about this, considering there is an issue with them throwing a handful of gravel down and calling it a gravel driveway, property maintenance shouldn't there be something specifying that if you have a gravel driveway it should be the 4 inches, it should be a certain number size gravel and it should be maintained. That might detour a lot of this also. Mayor Bring stated then you are going to get into the same situation where people are saying I am already grandfathered in, it is half dozen of one and half dozen of the other if you do that. Then you got some of the new streets like Parkview and Elm and then you got like Steve's street over there. If somebody went over and all of a sudden dumped gravel, it will ruin the whole aesthetics of those streets and that is kind of what I am trying to get at. You have some parts of the city where I have to agree it doesn't look bad because it has been like that for a long time where people have added on but the way the streets are you really don't notice it. Now when you get into like Knickerbocker and some of the Knolls and some of these other streets, it does stick out really bad. I don't even have an answer I know it is on the books and at some point we have to enforce but I think at some time you guys are all going to have to

give me some kind of direction here and we will see what we come up with. I think right now David has made a comment going back to what you were talking about with zoning that the driveway is a structure and the Building Inspector does not agree with that because people will be in violation because if that is considered a structure then anything past the front of the house is actually illegal. So, that is what the Building Inspector believes but if you don't do that as the Law Director stated then they could concrete their whole front yard without saying that. So, that is going to have to be addressed too and that is going to have to be with Mr. Graves. I don't know if there is an easy answer to this, I thought when I first came up with what I did it was going to be easy and I still think part of that would work. But there are other parts that I see that I don't know. Councilman Erdei asked isn't there something right now that they say 35% of your lot. Mayor Bring answered yes there is. Councilman Erdei stated so you could still enforce that and somebody goes out of their way to try to throw gravel in. Mayor Bring advised I think as we all sit here and think about this and this is what I have been thinking about as a thought is that how do we want our city to look. Do we want it to move forward and put more strict rules on it, do we want to keep it the same, do we want to lax things and that is what I think you guys have to figure out what you guys think. I know what I think but that doesn't mean it is the right thing but I am always moving forward and I want to see the city get cleaned up and be better. We have taken a couple of hundred junk vehicles out of the city and we have made people do their property maintenance and if you don't keep up with that kind of stuff it goes crazy because we backed off for the city this summer and again, we just got inundated with those types of vehicles and stuff. I don't know where they all come from, I really don't. In several places they had people coming from other cities bringing their stuff here and dropping it off because they know we are lax. As a Mayor I don't want that to happen. I just had somebody show me a picture today of a whole bunch of garbage in somebody's yard and the lady next door has a really nice yard and she is an elderly lady and went over to say something and that guy blasted her and told her to mind her own business. Well it is fair because that lady is trying to take care of her property and this guy has got garbage all over. That is what we are going to get into, so that is my thought and why I am doing this. I am not doing this to punish anybody, I am trying to figure out how we want to move this city forward. Chairman Kovach stated I think we are going to need deeper discussion on this with David because whatever move we might make without his input could just be a mistake that we would have to undo as we proceed. Mayor Bring stated I totally agree and that is why I said we have the whole winter here to work on this and think about this and have more discussions on it. Like I said I have got my thoughts but it doesn't mean they're right. Councilperson Gee stated the issue with the driveway on Lake Road, considering he didn't get a permit. Mayor Bring answered I am going to have the Building Inspector stop there. Councilperson Gee added because that is a new home. Chairman Kovach advised further discussion.

Drone's – Chairman Kovach stated I have kind of thought about that one and I guess there is a possibility of us moving forward with some type of legislation on that. But as David pointed out we already have ordinances on the books that can be used against this as far as nuisance and invasion of privacy. So I think it is an issue where at this point whoever would be subjected to that or victimized by that it would be their responsibility to call the Police because you have got an ordinance and those are the parties that enforce it. Depending on whatever you are dealing with, you either got the Building Department or property and building codes, you have got Police under city codes or ORC. So, adding another ordinance will just give them another area but the bottom line is I think on issues like that if there is a problem that the person should call your local authorities. Councilperson Gee stated in my area they have called the Police every time and what they were told to my knowledge but I could be mistaken was there was nothing the Police could do as we did not have an ordinance against it. I think finally the last time they did do something. Mayor Bring advised the reason they did do something is because the gentleman's drone fell down in somebody's property and he jumped the fence so that was trespassing and he did get fined. I guess they are battery operated and the battery went low and he didn't get it back so it fell in the yard of the neighbor and when he climbed the fence the lady called the Police and that gentleman did get a ticket. As far as flying it himself and according to the Police and David is that they are allowed to do it in certain areas and if somebody is peeping in a window or something then that is a different story. Councilperson Gee stated that is what he is doing or at least one over in my area really is doing that. Mayor Bring stated another thing is that you got to catch them. It is just like throwing a pop can out of a car and see him and he is littering but if the police don't see it. Councilman Erdei stated take a picture with your cell phone as proof but you can't shoot them down. Councilperson Gee stated no you can't vandalize them any at all because they are protected but a lot of cities have an ordinance where you cannot fly them window level in neighborhoods. Mayor Bring stated I think that that just like Steve said before with the other one is that David would probably have to make a ruling on some type of a height because we could sit here all day long but he has to got to look it up and find out if he can back it up or not. I don't know, I don't have an answer for that one. Councilman Erdei stated if we have something like that and put in a height restriction and they violate and got pictures to prove it we should have something where we could confiscate that thing. They are registered with Federal Aviation aren't they? Councilperson Gee stated you can order them. You can't hamper them in any way, shape or form. Now if they accidentally go across your water sprinkler then it is not your fault that they collided with your water as long as you are watering your lawn at the time. Mayor Bring stated I know some municipalities that are using them in their Service Department for checking properties out and lines out and buildings out and everything else. I mean cities are starting to use them too. Councilperson Gee stated I makes sense. Councilman Erdei stated Cleveland is using them on the

shoreline. Councilperson Gee stated it makes sense for a municipality to use them. Chairman Kovach stated how do you determine whether it is a local or it's a privately owned, I don't think you could see those numbers like on an airplane they have got to be really small. Mayor Bring stated you know when that little boy drowned and somebody stopped down there and had a professional drone and he offered his service to fly along the lake bank and he said he could give us at least 20 minutes of viewing at a time. I mean there are probably good things about it and somebody always takes advantage of things and that is the problem. Councilperson Gee stated well this one, it is only certain neighbors he constantly harasses. Chairman Kovach stated I guess we could request a legal opinion from David as to what guidelines and parameters we can even use to develop an ordinance. I guess I send this to Kay to make the request. Councilperson Gee stated from what I understood I thought he gave us this for us to review until our next meeting to help us on this. Chairman Kovach advised I get that but this is just a Q&A type of format. I guess at this point we will leave this open for discussion for another month. The drapes should be drawn to contain the heat in their homes. Councilperson Gee stated winter is coming, he has got to stop, the weather won't let him. Mayor Bring stated it says right here, the main reason why the FAA routinely imposes altitude restrictions for flights under the COA, it is statutorily barred from imposing altitude restrictions for "recreational" flights (page 3 of 8). That is kind of what we were just talking about. Chairman Kovach stated which means we are really limited to what we can or cannot do. Mayor Bring stated you have 2 paragraphs right there that are kind of contradicting everything that we are looking into. Councilperson Gee stated but then if you check under the misuse page 5 of 8. It is just ashamed and also there is the drone privacy issues. It is just ashamed that we even have to bring up such a thing. Mayor Bring stated like I said there is always something out there that takes things to another level, to the extreme. Councilperson Gee stated that one particular drone has made those mothers highly devastated and upset, it is a constant thing with him. Chairman Kovach stated it is staying legal staying for now (bottom of page 5). I am going to say that we are going to be strictly limited to what we can or cannot do here. It says stays at least 5 miles away from airports, doesn't fly higher than 400 feet, doesn't fly over crowds and endanger anyone and as long as flight is just for fun. Anyone who wants to fly a drone for commercial purposes must apply for and receive an N-number. I think we are going to be extremely limited as to what we can and cannot do. **We will leave it on the agenda for further discussion.** Councilperson Gee stated there is the laws about capturing images for the ones with camera's, even if they are only viewing. If they have got a camera on it, that falls under the paparazzi categories. Chairman Kovach stated don't you have to have been victimized by a picture, before they even go after that. Councilperson Gee stated the issue that was going on over in one part of town was this gentleman that was living with his parents was going around and looking in the windows of 12 year old girls in the neighborhood, it was getting out of hand. All of us have seen them all over the city

but I haven't heard of a lot of issues. Mark Cizl says there is one stuck in his tree that has been there all summer and the Police Station has one unclaimed. Chairman Kovach asked is this person the same one that the Police were called upon for? Councilperson Gee answered yes the issue was more than once that Police Officers were called. Chairman Kovach asked and the Police actually told these people that there is no ordinance on the books about peeping tom's, is that what you are trying to say? Councilperson Gee answered no. Mayor Bring stated in flying the drones is what it was. Chairman Kovach stated no I mean she is making a statement here that this is person is alleged to have been looking in 12-year old girls windows? Mayor Bring answered that I would have to find out from the Police if there are any reports, I am not sure on that. Councilperson Gee stated the mothers were who called and they also called the Police but one of the mothers is the one whom he jumped over the fence. Councilman Erdei stated but if you look the state law is already on the books for privacy protection in that, for drones shooting photos or video. So, Ohio already has something on the books for invasion of privacy and that. Would we just go with that or use that as a guide to help us? Councilperson Gee stated but like he pointed out you have got to catch them in the act of doing it either way. Councilman Erdei stated but if you have a cell phone picture and take a picture of it, actually even it is in your neighbor's yard and you take a picture over by a window. Mayor Bring stated I think David is going to have to make some kind of a definition, I will ask the Police Chief tomorrow to look into more of it and see what he thinks about it. Councilperson Gee stated I do know they did call the Police because I kept telling them for them to call. Chairman Kovach stated I think that perhaps it should be referred to Safety for input involving the Police Department? Mayor Bring stated we have already met but obviously, this is going to be an on-going thing to. I can bring it up. Chairman Kovach stated you have your own one-on-one conversations as the Safety Director with the Chief. Mayor Bring stated I think that whatever is discussed I want to bring it back to a committee so that it is on record. Councilperson Gee stated David would be able to advise us if we can write some sort of ordinance or not. Chairman Erdei stated like I said the State of Ohio already has something on the privacy issue and everything else, we can just take something off of that and add our own and that way we are covered and protected and the Police can go in. It says right there, proven harassment. Chairman Kovach stated well what she is discussing or suggesting which may or may not be happening because by your statements but you didn't see it. Councilperson Gee stated keep in mind I didn't witness it other than when it was at my house. Chairman Kovach stated I know but what you are submitting here though, that is a criminal offense and it would go above and beyond a local ordinance and would be prosecuted at a state level. Councilperson Gee stated we got him for trespassing. Chairman Kovach stated I understand but again you are talking peeping-tom, there is a lot stronger law that would cover that. We need further discussion with David, input from the Chief of Police would be greatly appreciated and I guess that will give us much better direction where to go with this.

Medical Marijuana Moratorium – Councilperson Gee stated isn't the only thing at this point we are discussing on it? Chairman Kovach reiterated discussion on Moratorium on Marijuana. Councilman Erdei stated in Worksession didn't we discuss that even our Law Director Graves stated that it might take 2 years before the State of Ohio gets going on this. All the cities around us are putting this in just to protect them but I see a perfect opportunity to look into this a lot more and it would be good because we would be a location for Lorain County plus they would take care of our business. I mean we would have a little bit of money coming from the state and the federal government and bring more people up to our plaza or wherever they would locate and I am for it. Chairman Kovach quipped that will be a good replacement for the Dollar General store. Councilperson Gee stated if you look at it for tax dollar purposes, some cities are taxing 15 cents city tax per dollar of revenue from medical marijuana. If you look at it that way, this is something that we shouldn't jump the gun on to prevent and nothing is going to be done state wide for 18 months to 30 months. So, there is no reason for us to even pursue this at this point, there is a lot of things that I think we really need to look into. **Chairman Kovach advised leave it on for discussion.**

NEW BUSINESS: None.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time: None.

MEETING ADJOURNED: With no further business before this committee,

*Motion by Erdei/Second by Gee to adjourn at 7:52 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 November 3, 2016.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso