

**Minutes of the Ordinance Committee meeting**  
*Sheffield Lake, Ohio*  
**January 5, 2017**

This regular meeting of the Ordinance Committee was held Thursday, January 5, 2017. Chairman Kovach called the meeting to order at 7:35 PM.

**ROLL CALL OF MEMBERS:**

Present: Kovach, Erdei, Gee

Attending: Mayor Bring, Law Director Graves

**MINUTES:** December 1, 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* – **None.**

*Drone's* – Law Director Graves advised we have charged one individual with trespassing I believe in Mayors Court for flying a drone. Right now the State of Ohio continues to look into this, there hasn't been any new action on the state code. There is a lot of federal regulation on the FAA where the Cleveland ordinance basically requires you to register your drone with the FAA or face misdemeanor charges for failure to register it. I think everybody is kind of waiting to see what the state does. Obviously if you have a drone, you have to follow all existing laws regarding privacy and voyeurism and trespass and things like that as well as federal law. Councilman Erdei stated I see Rocky River was having some episodes, the state better get their butts in gear and get something going because they are getting more and more popular and it don't take much for somebody to sit and have a drone fly right above your window and sit there for a while.

*Medical Marijuana* – Councilperson Gee stated I haven't talked to Ted Kalo yet on the medical marijuana because they have been real busy with that tax issue so I haven't talked to him about when he can come.

*Water per unit increase* – Chairman Kovach advised we are in motion with the water per unit increase.

*935.15 rate schedules* – Law Director Graves advised Kay came across a couple of ordinances that talk under refuse and under the water that senior's and people with disabilities can inquire with the Water Department Clerk as to any credits that might be available. I think that in the past, not recently but years ago credits were being given and we really don't have any credits in an ordinance at all. So this credits

should not have been given and they haven't been given for years and years and years. So when you look at those ordinances, the interpretation should not be that the Water Department Clerks are empowered to just give credits on these things. What they are doing is they on information to the residents as to any credits that are available under our ordinances but if you look at 935.15 which is the water and 965.03 which is the refuse there is no credit for seniors and even that terminology a senior or somebody with disability, I think that even if the inclination was to start giving a \$1.00 credit then you should clearly define who is a senior or who is a disabled person. Is someone over 55 or 65, I think Kay said if you have a Golden Buckeye card I think somebody was using that as a benchmark. So, that is where that is, that is the issue. Chairman Kovach stated that was discussed last month under the dollar credit for seniors on page 8. Mayor Bring advised as it stands right now, under no circumstances do I let the Clerks give a discount for anything unless I okay it, just so you guys know. That has kind of been the rule since I came. Councilman Erdei stated so we should maybe set something up to clearly specify, that way we have it in writing? Law Director Graves answered we are not legally authorized to give anybody a discount on it, we have an ordinance that says this is the rate and that is the local law. So really there is no legal authority to give a discount so if Council thinks that that is a good idea, we ought to talk about amending the ordinance to spell that out. Councilman Erdei stated right because I know some cities do honor seniors so that would be something to look into. Mayor Bring stated the only thing I will tell you is it will add a lot of nonsense. Chairman Kovach stated I am thinking too and I don't know what some of the senior's bills are but my bill averages \$70.00 or so for the whole nine yards so a dollar isn't going to do much. If it was in the old days when we had the \$15 or \$20.00 bills and times were different, a dollar would make a difference but I don't see a dollar making a difference at the rates we charge now. Mayor Bring stated just my opinion and you guys can do whatever you want but we have just finally got everything calmed down over there with the meters and everything else, for the last few months here it has been absolutely wonderful and something like this people would be arguing and coming in and disputing it. It would be I didn't get it and somebody else got it, what it is going to do is create a lot of work for the girls to go back on. Chairman Kovach stated you are going to have a lot of complaints too just like we did with the age group on the leaf collections, same/same and nothing ever changes. Councilperson Gee stated the way it reads now, it says we offer one? Law Director Graves answered the way the ordinances that Kay found – I wish I could find them now. It says that senior citizens and residents who are totally disabled should consult the Clerk of Utilities Department as to any credits allowed to them. So, what is a senior citizen, who is totally disabled and there really is no credit on the books. The proper way to interpret that is not the Water Department Clerk is authorized to handout credits to seniors or people with disabilities, it is if credits exist you inquire and she passes on the information. Councilperson Gee stated all she has to say is there are no credits available at this

time. Law Director Graves answered that is correct. Councilperson Gee stated can't we just leave it that way? Law Director Graves answered you can. Chairman Kovach stated I guess that is fine as opposed to repealing it because if we some time down the road wanted to do it or the incoming Council and Administration down the years want to deal with something like that then that is fine. Mayor Bring stated I agree 100%. Councilperson Gee stated as long as it is already where all the Clerk has to do is we don't have any at this time, the end. Mayor Bring advised I don't think that Lisa has ever been asked about that. Law Director Graves advised Wendy who used to be in the Water Department years ago, she said that she seems to recall that years ago, that it was tied to whether or not you had a Golden Buckeye card but this language was added in 1993. So, it has been there for 23 or 24 years so it has changed over time. Chairman Kovach advised I think we will leave well enough alone.  
LEAVE ON AGENDA.

Law Director Graves advised Planning Commission is going to take up quite a bit as far as the driveways, parking and in all the peripheral issues that go along with that. Also, the discussion of accessory structures; the air condition condensers and generators. Kay has provided the Planning Commission with all the background information and the opinion that I wrote and I think this month they will be starting a serious discussion on how to go forward and make a comprehensive recommendation to City Council. Councilperson Gee stated if they are going to be taking over some of those, shouldn't they be taken off of our agenda first? Chairman Kovach answered no because it would just be coming back anyways. Law Director Graves advised anything that comes out of Planning Commission is going to be recommendation anyway, it will come back to you with their recommendation but they can do a lot of the ground work and sort these issues and give you more of a comprehensive proposal that you can then tweak as you see fit. Councilman Erdei stated my understanding now is that a lot of people are hiding all of their stuff in their backyards? Mayor Bring answered David said that will be part of what the Planning Commission does and that is true and they will make a recommendation. Law Director Graves advised I see that as an extension of the where you can park, is it hard surface, gravel and if you put it behind your house. I think these are all kinds of issues that all tie together and that is an issue because the way the ordinance currently reads it doesn't expressly prohibit parking your car in the rear.

### **NEW BUSINESS:**

Councilperson Gee stated it was brought to my attention that we have residents living without any running water and without any water bill at all but the issue is safety and sanitary is why I am bringing this up. Many cities do not allow that, we have no ordinance saying that they can't live there like that. Law Director Graves stated didn't we discuss this once? Mayor Bring answered yes, we did and it never got satisfied. Councilperson Gee advised there is a man in my neighborhood that has been living for quite a while that way. Mayor Bring advised he has nothing, we have

a couple of them that don't have water, have no utilities. Councilperson Gee stated this one has no gas and no water. Mayor Bring advised well the house is being condemned. Chairman Kovach stated that would be like living in a shed. Councilperson Gee stated these people, my heart goes out to them but they can't be living like that. Mayor Bring stated in some instances, even though we try to help them with assistance and get the proper people they are still are reluctant to accept that and they won't leave. Councilperson Gee stated some have mental issues and if we don't have a law against it, an organization cannot come in and help them if we don't have a law against it. Mayor Bring stated even the vacant houses I know that some of these guys were living in some of these just because there is no place else to live. Some people live a little differently than others but it is tough. Councilperson Gee stated this is something that needs to be addressed. Councilman Erdei stated I remember discussing this before and it kind of got brushed aside. Councilperson Gee stated I am aware of at least 3 in the city I believe. Law Director Graves advised we are talking about rental inspections and rental homes as a side talk. We can do that but we have to get a search warrant. Councilperson Gee stated 2 of these is the owner living in them. Mayor Bring answered correct. Councilman Erdei asked can you get active search warrant to enter the premises? Mayor Bring answered it isn't even the fact of getting it, it is the fact that we know that and have discussed it and have told the party who lives there that he can't do this anymore but they won't leave. So, what are you going to do? Councilperson Gee stated then the newest one that I became aware of, mental health really can't do anything because there is no law against it and he really needs help, he really does. Mayor Bring stated well the one does too. Chairman Kovach asked how do we approach this David? Law Director Graves answered we can pull the ordinances from other communities, that is not too difficult. Chairman Kovach advised I guess that would be a start but I am just thinking of; crossing over on property rights and everything else like that. Mayor Bring advised if you recall we had a pretty lengthy discussion about this with the water and people not having it and then we had several of the Council people saying who you going to throw out if they don't have water, are you going to throw a family out or are you going to do this or that? So, that is what that whole discussion came down to because we shut water off because they weren't paying the bill so if you shut the water off do you throw the family out, that is what was going on. So, it was talked about for several months. Councilperson Gee stated but there has to be something because this one gentleman has been more than 2 years. Chairman Kovach advised I guess starting off by seeing what is out there in surrounding communities would be the place to start. Mayor Bring advised I can have the Building Inspector because they do multiple cities so maybe they can pull something. Councilperson Gee asked by not having sanitary working, isn't that almost the same category as an outhouse? Mayor Bring stated I guarantee you that are using the facilities by the borrowing water and they are using that and taking the bucket of water and that is how they are flushing the toilet. The city is actually paying

for their sanitary and not getting any money for it but if you have a toilet and you take a bucket of water and throw it down it, it flushes and that is how they are doing it. I don't know how he is getting drinking water, if he is drinking bottled water or whether he goes to a speedway and takes a shower. I guess there is ways of getting around everything. Chairman Kovach stated I do remember the discussion we had and I don't where we go against property rights and where they fit into that. I guess we have to see what other people are doing and how they deal with that.

**CITIZEN'S COMMENTARY: None.**

**All ordinances before Council at this time:**

Council#079 – SECOND READING – an ordinance providing for percentage increases to the water rate schedule in years 2017, 2018 and 2019 and the declaring of an emergency.

Law Director Graves advised we will have one piece of legislation that I am aware of approving a donation to the city to the Police and Fire. Mayor Bring added we are going to have 2 of them. Safebuilt is going to donate \$500.00 for one of our causes, it will be either Shell Cove or Memorial Park. Law Director Graves advised we will need to get legislation. Mayor Bring advised he just told me tonight.

**MEETING ADJOURNED:** With no further business before this committee,  
\*Motion by Erdei/Second by Gee to adjourn at 7:55 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.

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**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 January 5, 2017.

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**CHAIRMAN**

*Steve Kovach*

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**COUNCIL PRESIDENT**

*Rick Rosso*