

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
February 2, 2017

This regular meeting of the Ordinance Committee was held Thursday, February 2, 2017. Chairman Kovach called the meeting to order at 7:38 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Attending: Mayor Bring, Law Director Graves

MINUTES: January 5, 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 – Chairman Kovach advised in Planning Commission for discussion.

Drone's – Chairman Kovach advised still waiting to see what the state is doing. Law Director Graves advised you have all of the regular criminal codes that are in place and if they violate those with a drone they are subject to prosecution. There are a lot of federal regulations under the FAA that they have to be aware of, they to be registered and comply with those but as far as other laws, the State of Ohio is still mulling it over. What I have seen out of other communities is more or less just passing ordinances to work with the FAA to work as far as those enforcements but we will keep an eye on it.

Medical Marijuana – Chairman Kovach advised position is also same on this, still on hold. Law Director Graves advised at some point, I think Council should start having a conversation about when this does go into play, the position would want to take on this. Are you going to be in favor of this, are you going to welcome these type of dispensaries' and so forth or are we going to go through zoning and so forth. Communities are dividing up now of whether they are supporting this or whether they don't want it in their community and we do have the flexibility to do that. Chairman Kovach advised I believe I heard this morning and I believe it was Richmond Heights is in conversation with the Grove operations. Law Director Graves advised when I went to a Zoning seminar that I go to every year and there was a presentation and one of the issues that they talked about a community I think is south and is all about this and really trying to become a hub of the marijuana sale and so forth. I realize that we are probably a year and a half of anything really

happening and maybe even farther out, but we really should start discussing our position on this. Councilperson Gee stated even though we are about a year and a half out like you pointed out, other communities are already moving forward on this. The fact of us having such a small tax base in our community and we don't have the space for Industrial, I am hoping that our community seriously looks at the medical dispensary because the tax alone and this is already proven this is helping epilepsy and so many other things and the tax alone would really help our residents and it would help our streets, so many different things within our small community if we really considered that and started putting it out there. Councilman Erdei asked what does our Chief think about this? Mayor Bring and Law Director Graves advised having not asked the Chief about it. Councilman Erdei asked is this something we would like to talk about in a community setting and get people's opinions on this instead of being the whole responsibility of the city and kind of get some input from our citizens on what is going on? Mayor Bring answered you can always do something through the water bill, flyer, mailer or whatever to get some kind of consensus. I think we did that one other time for something. Councilperson Gee stated that was for the shopping center wasn't it? Law Director Graves advised through the years we have had on various projects we have had community consent. Chairman Kovach advised the last one was on the tax and they weren't too productive, but that was the last time we had those types of meetings. ***Motion by Kovach/Second by Gee to refer to Council's Worksession for this month for the city's position on this and get an opinion of the Whole. Yeas All.**

Water per unit increase – REMOVE.

Ordinance 935.15 rate schedules – Law Director Graves explained this basically boils down to, do you want to give a discount to seniors and if so how do you want to define a senior? Chairman Kovach advised I thought we clarified that last month in as much as the intent to leave it alone. Law Director Graves advised that is what the minutes reflect, do you want it removed from the agenda or leave on? Chairman Kovach advised **REMOVE.**

Ordinance 965.03 fee – REMOVE.

NEW BUSINESS:

No running water/no water bill to include concerns of safety and sanitary. Councilperson Gee asked David you were going to look into other communities as to this issue? Did you have time to look at that? Law Director Graves advised no I have not had time. Law Director Graves advised for your next meeting I will do some research and bring you a whole packet of information. Councilperson Gee stated outhouses are no longer allowed in Sheffield Lake and neither is septic tanks? Law Director Graves answered that is right. Mayor Bring advised we still have septic tanks. Law Director Graves answered well they are grandfathered. Councilperson Gee advised my point of these are basically these homes are not using a sanitary sewer system because they don't have running water. They are using the system, but

it is more like an outhouse. There is one home that I believe that they are not actually using the bathroom at all from what I am understanding. Mayor Bring answered yes, as you can take a bucket of water and use the toilet, which flushes the toilet, which means you are not paying for it. Councilman Erdei stated I thought we had a flat fee for empty houses or whatever that no matter what, you still get billed for it because it wouldn't be fair for the rest of the residents on the street. Mayor Bring answered right, we do. Councilperson Gee asked are these homes paid up on them? Mayor Bring answered I don't believe on a couple of them – no, I would have to check. Councilperson Gee advised we did have and I might be wrong, but I thought we had where at one point we were talking about disconnecting sanitary sewers. That would be a health issue if it is disconnected on any of these homes. Mayor Bring advised we would have to dig it up, I know that we actually had 3 or 4 of them that the bill was not paid and all we did was disconnect the water is what we did but the sanitary would to be something else. Chairman Kovach advised there is a whole lot more work to just dig a hole to connect the sanitary. In disconnecting the water, you open the pit and you pull the meter and cap it. Mayor Bring advised some of the sanitary in like Lake Road are 12-foot deep. Councilperson Gee stated, but I recall that being talked about once. Mayor Bring answered Mr. Hastings had talked about some of that. Chairman Kovach asked how old are those particular homes and how fragile are the connects in the surrounding system? Law Director Graves advised we are not talking about people for whatever reason do not pay their water bill and their water gets shut off temporarily and then after a week or so they pay it and it gets turned back on with a \$50.00 connect fee. You are talking about people who are over an extended period of time continue to occupy a home where there is no running water and I would be curious, but does anyone know how many of those homes exist in the city, how many of those that we have people residing in that have no running water? Chairman Kovach stated as I understand it it was like 2 or 3 but there may be more. Councilperson Gee advised I heard from the Water Department that it was more than 3. Mayor Bring advised I know for a fact there are 3 but I think there are a couple of more, I can find out and I will give it to David but I know for a fact there is 3. Law Director Graves advised as I said before, it can't be that many as that is a rough way to live. You are talking about not having any water in the house so it can't be that many and these people probably need other assistance, but rather than trying to figure out a way to remove them from the home but we will figure it out. Mayor Bring advised a former Councilperson that passed away used to run a hose to the neighbor's house for about 8 years. Law Director Graves advised yes till we found out she was doing it, you are not allowed to do that. Mayor Bring answered, I know that there are not a lot and it is not an easy situation. Councilman Erdei added, these are owner occupied because the rental side of this is all covered under our building code. Law Director Graves advised you have to understand that the owner is always responsible for the water bill. Councilman Erdei stated for sanitary reasons, we have something on the books for that. Law Director Graves stated well if you have got a

landlord that is renting property to tenants that don't have running water you could probably go after that public nuisance. Councilman Erdei stated yes so we are covered on that. Chairman Kovach advised I don't think that falls into that anyways because I don't know too many that would rent a house or want to live in a house without running water. Whereas perhaps owners would own the home for an extended time, but have major financial concerns. Law Director Graves stated you also have situations where maybe they are just squatters, maybe they are basically homeless people that moved into a vacant house just for shelter and they have no legal right to be there in the first place, they are trespassers. Councilperson Gee advised one of the homes that we are aware of is still in a family trust, the owners are deceased and it is in a family trust. That home hasn't had water or gas for more than 2 years, now going on 3 years. Law Director Graves asked people are living there? Councilperson Gee answered yes, the one son it is in a family trust and the daughter I believe lives out west somewhere. It is one Lynne Drive and David I can email you the address. Chairman Kovach asked what kind of shape is this home in? Councilperson Gee answered like all the others on Lynne Drive as far as from the outside. Chairman Kovach advised just curious as to is it a home that is close to the classification of being condemned? Councilperson Gee answered no. Law Director Graves asked so they have electricity, are they using like electric space heaters? Councilperson Gee answered, I saw electric on, I see lights on but that doesn't mean they have their own electricity. Mayor Bring advised I know they don't have gas or water, but I am not sure about electricity. Law Director Graves asked how are they keeping warm, a fireplace? Chairman Kovach stated there has got to be another direction to take in dealing with the concern of a family like that. Is this person living there, is he fully in charge of all of his mental status? Councilperson Gee advised I contacted Lorain County Mental Health and they got involved with the situation there. Law Director Graves asked who is the trustee of the trust? Councilperson Gee answered, I think the daughter, which lives out west. This is the son living there who always lived with the parents and the one parent died and about 3 years ago the second parent died and he is still there. Law Director Graves advised we will look into it, there is options, but I will also find out what other communities are doing. Councilperson Gee advised it is for his own safety and wellbeing.

Mayor Bring stated I do have something but it is going to end up in Planning Commission because it all has to do with driveways and backyard stuff too. We are having a problem with people putting stuff in the backyards so we will address that in the Planning Commission. We are having this now with people putting stuff in the backyards.

Councilperson Gee stated at last night's Safety meeting, I understand that one of our Deputies is doing checks on property maintenance. Mayor Bring advised we don't have Deputies in the City of Sheffield Lake, one of our Patrolmen is doing that and yes, we have been and now one of the worst offenders is saying we are harassing them. We checked with David and once you give a citation out it has to go to court

before you can do anymore, so he was given a parking on the lawn and a junk vehicle one and then also the Building Inspector went over for property maintenance. So, they were all given out and he has not responded to any of them. Chairman Kovach stated in previous discussions I remember Len going through this on many occasions it was a long process. There was a brief discussion on the lengthy process. Law Director Graves advised at the end of the day too, these are for the most part minor misdemeanor's, they are not jail able offenses. So all you are doing is giving them a fine and then you cite them and they can go through the process again and ultimately get another fine and you know if they want to keep paying fines. Mayor Bring advised that is what the general public doesn't realize is that there is a huge process to go through and again the parking on the lawn is \$15.00 but if they go to court we can charge the court costs and some of them don't care they just pay the fines. Councilperson Gee asked don't a lot of cities raise the fine per offense? Law Director Graves answered it depends, a minor misdemeanor carries a maximum \$150.00 so if the offense is characterized as a minor misdemeanor, then the most you could find them is \$150.00 per offense. We have some sections, some provisions in our building code/zoning code that are unclassified misdemeanors that would say something like up to \$500.00/no jail. So, that would be an unclassified misdemeanor, but the fine does not enhance with each subsequent offense. Chairman Kovach asked what is the possibility of escalating that by the day? Law Director Graves answered we do have a few provisions where it goes from minor misdemeanor to a fourth-degree misdemeanor, which would carry a maximum of \$250.00 fine and up to 30 days jail but those are rare with property maintenance to start enhancing. Mayor Bring advised for the most part we have been very successful just having an Officer go around. We did it last year and we didn't do it for a while, but if you don't keep up with it then the people take advantage of it. We get a lot of people coming and going, but the Officer has also given out citations for parking in the yard and usually they all comply, I think we only had 2 that did not. But it is working and the Property Maintenance gentleman will be back in April to start all over again. I have been driving around and giving addresses to the Police and I do it on the weekends too.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

Council#003 – THIRD READING – a resolution of the city council of the City of Sheffield Lake authorizing the Mayor to present an application for an Ohio Water Development Authority Loan for the installation of a new water main on Lake Breeze Road and supporting the submission of such application.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Gee to adjourn at 8:03 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 February 2, 2017.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso