

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
April 6, 2017

This regular meeting of the Ordinance Committee was held Thursday, April 6, 2017. Chairman Kovach called the meeting to order at 7:36 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Absent: Superintendent Hastings (excused)

Attending: Mayor Bring, Law Director Graves, Park Board Gee

MINUTES: March 2, 2017, *Motion by Erdei/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

CORRESPONDENCE: **None.**

OLD BUSINESS:

Industrial District – Chairman Kovach advised we really haven't discussed Industrial District or Subdivision regulations at all and after mulling it around thought maybe we should send these two to Planning Commission for input and recommendations. That way if there are any new ordinances required we could do it with their input. Councilperson Gee stated personally I know the ladies pointed out when they were doing one thing, that they didn't feel that they were qualified and they really wanted someone that was an expert to come and talk to them. Would that be what they want if we sent the Industrial over, would they want an expert to come and talk to them on that? Law Director Graves advised no, I think when they were talking about an expert was in terms of like materials for driveways. They don't have that detailed expertise but in terms of just general direction or zoning or for the city, I don't think that they would need any special expertise for that. It is more or less just looking at what other community's codes have and trying to make a decision by these Boards made up of the residents of what would be most appropriate for the City of Sheffield Lake. I mean it is up to you if you feel that you want to have Planning Commission take a look at it. Chairman Kovach stated we haven't really done much with it. Law Director Graves stated they are just about done with the driveway issue and I think that the whole generator/air conditioner, whether that is an appurtenance, that discussion is just about done. I know that there has been some discussion about revisiting the Master Plan that hasn't been revised since 2004. So, that would be the next topic I think that they would be moving on. Chairman Kovach stated we have had this on the agenda for well over a year now and we haven't made any action on it to speak of. I think any input from the Planning Commission would be welcome and anything that we would come up with might have to go to them anyways. It doesn't have to be in any kind of a hurry on this. Law Director Graves advised I don't think that just changing the regulations for the zoning districts per

say has to go to Planning Commission. If you are talking about rezoning, you know changing one zoning district to another that requires Planning Commission. But I think just zoning regulations, I guess it is always wise to have more people take a look at it. I don't think that would be required. Councilperson Gee asked weren't we originally going to bring that up to more modern times, isn't that why it was originally put on here to see what other areas to see what other areas were doing and we could come into the 21st century. Law Director Graves stated 2 reasons; our Industrial District ordinance has not been changed since the city first adopted a code. I think 1958 or something like that, it is still the original language when we passed our Charter, first incorporated. So, it really is antiquated, it doesn't discuss any new types of businesses and it doesn't address any of the issues that currently most communities face when you are talking about Industrial versus light Industrial, storage of bulk materials, these kinds of things. So, it really needs to be updated. In terms of subdivision regulations, we really have hardly anything in terms of regulating a subdivision and fortunately we really haven't had that many new subdivisions come into town. But if someone did, we should have some guideline principles there. Mayor Bring stated we recently did approached by somebody buying some property and they are talking about doing 40 homes in our community. So, that may come up. Councilman Erdei stated so nothing is in writing that the streets have to be concrete pavement or with curbs or in these new developments there is nothing. Law Director Graves stated I suppose you say well, it requires Planning Commission approval and then you could say well, Planning Commission isn't going to approve a site plan without these certain provisions. But it should have basis in the code, it shouldn't be something the Planning Commission is more or less just conjuring up out of thin air. We would like to see curbs, we would like to see this, we would like to see that. There should be some basis in code that they are relying on and I just pulled the plans because someone was asking about it when they put in Mariners which is a PRD, a Planned Residential Development which is a different type of development where you are really constrained by typical R1 zoning, you are allowed a greater density, smaller homes and as a tradeoff there is more green space, buffers and things like that. But really our PRD ordinance doesn't describe exactly what you are allowed to do. You basically have to go and look at the plan and what was approved by Planning Commission that was sent to Council at the time and that delineates what they are allowed to do over there. All of this should be written down in a subdivision regulation so it is clear as to what would have to happen if somebody came into the city and wanted to build a new subdivision. But it is not a simple little couple of paragraphs ordinance, I mean these are pages and pages of code that you know maybe you need a committee to specifically look at that for a while. Councilman Erdei stated yes that is storm, sewer, water, utilities, everything. You don't want them coming in having a hodgepodge deal going on and building some homes. After a brief discussion on referral, Committee decided to send some time on draft that Law Director Graves had

prepared and then send Ordinance Committees findings onto Planning. Law Director Graves referred to issue that came up about 90-day limitation on matters referred to Planning Commission by Council, I will go back and look at that but I believe that that only applies to mandatory referrals. The Charter spells out certain public projects, any roads, parks, bridges and it says these are mandatory referrals to Planning Commission must act on those within 90 days. I think other matters that just come up, you just want Planning Commission to take a look at and weigh in on, I don't think they would be bound by that 90 day. I think the 90 day is that they don't drag their feet on these mandatory referrals because chances are they are important project like a road or something like that. But just code revision I don't think that 90-day restriction would apply. Councilperson Gee stated so you will check on that. Law Director Graves stated I am fairly certain it doesn't apply. I will just make that now, it wouldn't apply.

Subdivision regulations – addressed under Industrial District above.

Building Permit fees – There was a brief discussion on when 2-year contract was up. Mayor Bring advised there are pros and cons are everything you do, it takes a lot of pressure off of some of our workers so to speak because they are a separate entity, they handle a lot of problems. There are certain things that I think could be better and that is something that we will have to discuss as far as going around and checking violations and stuff. We have a Property Maintenance Officer but I think that there are some things that we need to go over which is their responsibilities and which are the city's responsibilities and how we are going to handle that. I will give that to you and give you my opinion on it. So, that is coming up. I have had very few complaints and I don't care if you have the best Building Department in the world you are always going to have complaints. So regardless if we have our own Building Department or we have them but we have a very minimal amount. When we had the one Building Inspector over here we had a tremendous amount of complaints and with Jon Wiblin we had more then what we have now. But we need a pretty good Building Department in here, things have changed. We have a lot of remodeling, a lot of people coming in for additions and rehab's with houses. We need somebody that is qualified and the Secretary helps out really well which is the girl that does that. That takes a lot of pressure off of the Inspector and we have a little better schedule with her, so the guys are pretty confident when they get their permits. But like I said there is pros and cons to everything and I am open for discussion on that. Chairman Kovach stated these are things that you have seen over the past 2 years and I am sure there are different improvements or things that you would negotiate with them internally. Mayor Bring advised I know that Alan has had some issues and I know that Rick has had some issues, so we need to all air it out and talk about it. Law Director Graves advised the ordinance for the Building Department was passed May 26, 2015 and signed May 29, 2015 and their term started June 1, 2015 for a period of 24 months. So that would expire the end of May 2017. It automatically renews for another 12-month term unless either party gives 30-day notice prior to

the determination that they do not want to renew it. So, we would have to give that by the end of April which would be our 30 days of our intent not to renew it. However, if it did renew for another 12-month term either party may terminate the agreement at any time upon 60-day notice. So, if we were unhappy we could always give them 60-day notice. Mayor Bring advised I think what we ought to do is send out something saying, I don't know about the termination or whatever but just so we have another open discussion. I think we need to talk about this. Chairman Kovach referred this topic to this month's Worksession because the contract is coming up. Mayor Bring advised I will get together all the permits that were pulled during that time and some of the thing that I think we can do better and some of the things that I think that they have done a well good job with. We possibly might have some big projects coming up here. So, we have to figure out what we are going to do. The one good thing about this is that they have commercial license and everything else. If we decide to go back the other way then we are going to have to make sure that we have someone with the commercial. But I think what we would end up doing is having a full-time and maybe a part-time Building Inspector at the same time for permits and for going out and doing inspections. The other thing that we have gotten away from is the inspections on the rental houses and the apartments. I see that Lorain is still doing that and I know that David said there is a Federal Judge that made a ruling that you had to have. Law Director Graves explained that you can't do the inspections any longer without an administrative search warrant. Mayor Bring asked that hasn't been overturned? Law Director Graves answered that case isn't necessarily binding on us but it is definitely persuading. Mayor Bring stated I think we need to get back to that or figure out how we are going to do that because we have got some places that are very lax. Law Director Graves stated the standard for getting an administrative search warrant would be pretty low, basically all we would have to do is go into court and say the city has this program of inspection and this particular apartment complex hasn't been inspected in this many years. We have reason to believe that they are various code violations and things going on and we are asking for a warrant to perform inspection. Most of the time they will consent, we have some that are hard to work with but we have some that are easy to work with too if you just approach them. But if the Fire Department or the Building Department say hey, can we come in and do an inspection and you just schedule it, they will let you go in. But we have some that are more difficult. Chairman Kovach advised Kay I would like to refer our discussion on Building Department fees to this month's Worksession in regards to the fact that our contract is going to be expiring within the next 60-days.

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 – **None.**

Medical Marijuana – Mayor Bring stated if you have been reading the paper it seems like a lot of other cities have been not been following through with some of the first cities on the moratorium. They are leaning towards looking into how they can take advantage of it too. In fact, I have read that the City of Oberlin is one of the ones that just came in the paper and there was another one. Councilman Erdei and Councilperson Gee answered Elyria. Mayor Bring advised so there is 2 more.

NEW BUSINESS: Law Director Graves stated Tammy brought this to the attention of the Mayor and myself. Our current ordinance, number 129.08a provides for mileage reimbursement for city employees that have to drive their personal vehicles at the rate of 20 cents per mile. That is pretty low compared to what the IRS allows. Currently the IRS allows a maximum of 53.5 cents per mile and the State of Ohio is a little less. The State of Ohio, Office of Management and Budget authorizes 52 per mile. Actually, the state went down, last year it was 54 cents and this year they went down to 52 cents. We are not under any obligation, to do mileage reimbursement but it is something that we have. I will tell you that I have never put in for it, the only time I would ever do it is if I have to drive to Columbus or something like that. For my little trips to Lorain and whatever, it is not worth it. But for larger trips like this it would be nice to offer for this, that is what the state offers which is 52 cents per mile. So, what the Finance Director is proposing is a change in the ordinance so that it wouldn't have a dollar amount but just say consistent with what the State of Ohio is offering. Mayor Bring stated we use it if the Fire Department has to go someplace or the Police and David and Tammy went to Columbus the other day but they used the vehicle that we have here and the gas so there was no need for that. Chairman Kovach advised it is not like everybody in the city is going everywhere. Mayor Bring stated it is very minimal. Law Director Graves stated now we have the Dodge Journey, the minivan so really any of those longer trips can take the city car, that is not a problem. There was a brief discussion on finances and what everybody has. *Motion by Gee/Second by Erdei to refer mileage allowance 129.08a to Worksession. Yeas All.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time: Law Director Graves stated it looks like we are probably going to have a few things for next Tuesday in regard to some CDBG grant money, a couple different things. Also, approve an amendment to maybe one of the leases up at the Shopping Center. I know I mentioned the resolution authorizing us to go forward with the cell tower litigation. I did talk with the attorney at Walter Haverfield who is spearheading that and he is going to get back to me. We are kind of coming to the party a little late on this, they have already amended it once to add 12 new cities and this would be another amendment to just add Sheffield Lake. So, I think what he is doing is seeing if there is any other communities that

want to get involved and maybe everybody jumps in at the same time. But I am waiting to hear back from him. He did say for a city of our size a flat rate would be \$3,000.00 to participate in the litigation. So, I will follow up with him again and may not have that for Tuesday depending on my connecting with him. It might be the next Council meeting. Councilman Erdei asked how does it look so far as far as winning that thing? Mayor Bring answered they haven't even started. Councilman Erdei asked how many cities involved? Law Director Graves answered there is 2 major ones going and the one that we would be joining has 36 or more cities. Another one that has almost as many, I bet there is 70 or 80 coming on board. There are some other ones that expressed an intent to just file their own case, you know some of the bigger communities like Cleveland. They will probably just dedicate one of their departments and just do it themselves. It is pretty much universally throughout the state, the municipalities feel this is an affront to their abilities to zone their community and regulate under their hone rule powers where these towers go. You can't just come in and say hey, we are a utility and we can put this wherever we want and you can't stop it. Now, the utility companies are going to try and say that this is putting Ohio on the forefront of 5G technology and we are going to have unbelievable connectivity once these things start going up and don't you want to be a part of that. He advised on other options they are talking about; small cell technology.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Gee to adjourn at 8:05 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 April 6, 2017.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso