

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

This regular meeting of the Ordinance Committee was held Thursday, November 2, 2017. Chairman Kovach called the meeting to order at 7:18 PM.

**ROLL CALL OF MEMBERS:**

Present: Kovach, Erdei, Gee  
 Absent: Superintendent Hastings (excused)  
 Attending: Mayor Bring, Law Director Graves

**MINUTES:** October 5, 2017, \*Motion by Erdei/Second by Gee to accept the minutes with any corrections. Yeas All.

**PRESENTATIONS:** **None.**

**OLD BUSINESS:**

***Subdivision regulations*** – Member Gee advised the only thing I still have an issue with is to go with Avon Lake’s is the fact the Planning Commission had so much in Avon Lake to do with it and we don’t have the same type of people on our Planning Commission. That was my concern. Member Erdei stated I would have to agree with Rosa on that. It would be nice to have somebody that is really involved with the city or at least knew what was going on a lot better than Planning Commission. Although it still has to come before Council. I don’t know if you want to rewrite that. Law Director Graves advised you can certainly restructure the entire process that Planning Commission is a reviewing and recommending body. The final approval of any site plan or any waivers, anything like that would have to come through City Council. Chairman Kovach advised at this point, we are not in a big rush to do anything with this. It will be under review and discussion for the next several months.

**NEW BUSINESS:**

Law Director Graves advised I have a couple of things to report. Everyone should be aware of and I think I have talked to Council about it before...of the Federal Court decision that came down a couple of years ago now. Out of the southern district of Ohio, which basically ruled that the city’s rental inspections and rental licensing was not allowed/that it was unconstitutional. Since that decision, there has been some other and there is currently a case that has been certified as a class action involving the City of Bedford where they are challenging their right to point of sale inspections. It is kind of a trend that we see in courts to encourage communities that want to inspect the interior of property to pursue a search warrant for that. There would be these warrantless searches that we are authorized as part of an inspection program, the courts are really not favoring. So, we have some rental properties in the city that we are focusing on apartment buildings, not the single-family homes. There are some

problematic ones, but by in large the problems that we want to focus on are some of the apartment complexes in the city that we are pretty sure have some code violations going on inside of them. So, what we need to do is amend our rental licensing and rental inspection ordinance to set forth a clear inspection process and also provide for the ability if they do not consent to the search to obtain a search warrant. I can bring a draft of that, if you want to bring it back to this committee or if you want to move it along I can present this at Worksession as well. If we would like to get into these properties, but you can't go to court and ask for a search warrant unless you have the law behind you that authorizes it, either a state law or a city ordinance. So, we want to make sure that our ordinance says yes, that you may go to court and attempt to obtain a search warrant. These are administrative warrants, there is a lower standard than a criminal search warrant. Basically, it is as simple as saying the city has this established program of inspections and this particular property has not been inspected in this length of time and the city has probable cause to believe that based on information that we received from residents and so forth that there are code violations going on and asking the Judge to issue a search warrant for the city to inspect the premises. Then we would go over and execute that search warrant and you have to try to be as less invasive as possible to the residents. Member Erdei asked this can pertain to safety too, no? Law Director Graves answered yes, there are fire codes, etc. Member Erdei stated but it would get you in the door wouldn't it? Mayor Bring explained the safety forces are allowed in there, but they have to do the hallways and areas like that, you can't go in common areas. Law Director Graves stated the fire code, they can inspect common areas for sprinklers and proper exits, smoke alarms, etc. But, within the actual units, no. So, I will be bringing that to Council, just wanted to give you a heads up on that. There was a brief discussion and advised city would like to get that going as soon as possible due to residents calling and complaining about what is going on and we have no recourse of doing anything. Member Gee asked did you draft up anything at all for tonight? Law Director Graves answered not, for tonight, just wanted to bring it to this committee's attention just to give you a heads up. Member Erdei asked could you have something prepared for Worksession? Law Director Graves answered yes. Chairman Kovach asked am I seeing that wrong or am I seeing that they are starting rent apartments in the building on Irving Park and Lake? Law Director Graves answered yes, I know there is a sign out front. Mayor Bring stated there is a sign outside, but I don't think they have done anything, I know they have fixed those units up. My understanding is that they are thinking about taking deposits, but there is something going on that is not all up to snuff. I don't believe any of those have been rented yet. Chairman Kovach stated maybe the cars that I have seen are from contractors. Law Director Graves stated so either the Worksession or next month's committee meeting and move it right from there to Council. We could do it that way. Chairman Kovach stated if we are in a hurry, I guess we could just recommend that you provide the

original draft for review by Council and then we could take it to Worksession and go from there to the last meeting of the month.

Law Director Graves continued I am going to be bringing a resolution authorizing me to engage co-counsel to collect on a judgement that I obtained on behalf of the city. Council should be aware that we talked several months ago about pursuing a judgement against the Men's Zone Sports Barber Shop when they broke their lease. Well, I did that and obtained a judgement out of Lorain Municipal Court for \$13,000.00 with interest at 4%. So, now we have that judgement, but I think that it would be best at this point to hand that off to a collection firm to proceed with collecting on that. That is what they do, they have the time and the resources and the expertise to try to collect on that judgement and typically they would take a third of whatever they are able to collect for the city. So, the way that process would work is Council can authorize me to engage co-counsel whenever Council deems it in the best interest so I would have to bring a resolution authorizing it. But, it would be a contingency fee, we wouldn't be paying them anything, they would just take a third of whatever they are able to collect for us.

Law Director Graves continued I may have an agreement that we have to talk about and I know we just passed the legislation for the Lorain County Office on Aging contract. Well, they presented us with a 2018 proposal and we are still taking a look at that and if it is something that we are ready to go by, then we would bring the legislation authorizing the Mayor to enter into that contract. They are early on this one, but they were late on the 2017 as they had to get a lot of numbers together and there were a lot of negotiations. This is for the communities that participate in the Northeast Satellite Office, which is right here at the Community Center, which does a lot of different programs, but primarily the Meals on Wheels for the 4 communities; Avon, Avon Lake, Sheffield Village and Sheffield Lake. There has been a lot of negotiations, appropriate contributions of each of the 4 municipalities. Mayor Bring advised I haven't signed it yet and I am still kicking it around.

Law Director Graves stated I talked to Council probably over a year ago about the future of the Medical Marijuana and the direction that Council wanted to go with that. Whether Council wanted to pass a moratorium or if Council wanted to prohibit it. If you remember when the State passed the Medical Marijuana they left the door open in the state law for local communities to regulate however they see fit. You can prohibit it in your community if you want to or just let it go and come in as you see fit or to designate it in certain zoning districts. The information that I got back from Council was to just kind of let things go and I didn't hear any real opposition to it. So, we are at the point now where the State has finalized their reg's and we are being approached with some outfits that want to open some medical marijuana dispensaries here in Sheffield Lake. Some of the proposals sound pretty good about actually wanting to build a new building. So, the Mayor and I are going to be meeting with them and see how that goes. They may want to purchase land, they may want to lease land in the city, they may want to just build a new building somewhere. It is

not on public property, but just want to throw that out there and get your opinion or do you want to just let it go. Right now, the only zoning we would have is just regular retail, B1 or B2 something like that. It could be either retail or medical, things like that as you know we have the pharmacy. It is basically just a pharmacy, it is a dispensary. If you get yours... it is not really a prescription per say, but you get your state medical marijuana, we will call it a prescription for lack of a better word than this is where you would to obtain that. Member Gee reminded the tax advantage of this is well worth looking into this. Member Erdei clarified you are not talking about some kind of growing? Law Director Graves answered no, this is not a cultivation, The cultivation sites are already set. They are limited, so many per county or region. Mayor Bring advised there are spec's on how the building has to look, they have to be 500-feet away from any parks, libraries, public schools/not private schools. Member Gee advised they have to have safe's and things like that from what I have read. Mayor Bring advised David has a lot of the information and we are going to meet with these people tomorrow morning at 9:00 o'clock and we will see how it goes. There is a lot involved in this and our understanding is that Council didn't say no. Chairman Kovach advised we let it stand with no action. Member Erdei stated well David said there is no use in doing anything until the state does something. Mayor Bring advised what is doing bringing forward is that they are regulating this. They have to abide by all the state laws. Member Gee clarified then we get the sales tax right? Mayor Bring answered along with other things too. Law Director Graves stated we would get a small portion. Mayor Bring explained other opportunities. Member Gee advised from what I have read, they do security cameras which are part of their responsibility. Chairman Kovach asked can we go with like a licensing fee? Law Director Graves answered, I don't really think that we can do that. They are looking for a freestanding building. Mayor Bring advised anyway, we will be meeting with them tomorrow.

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this committee, \*Motion by Erdei/Second by Gee to adjourn at 7:36 pm. Yeas All.

**CLERK OF COMMITTEE AFFIRMATION:**

This Meeting of the City Committee of the City of Sheffield Lake, Ohio, was 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

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**CHAIRMAN**  
*Steve Kovach*

Is a true and exact copy of the Minutes of the Ordinance Committee of November 2, 2017.

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**COUNCIL PRESIDENT**  
*Rick Rosso*