

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
April 5, 2018

This regular meeting of the Ordinance Committee was held Thursday, April 5, 2018. Chairperson Gee called the meeting to order at 7:13 PM.

ROLL CALL OF MEMBERS:

Present: Gee, Radeff, Erdei

Attending: Mayor Bring, Superintendent Hastings, Law Director Graves

MINUTES: March 1, 2018, *Motion by Erdei/Second by Radeff to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Subdivision regulations – Chairperson Gee advised we have the draft in front of us. Law Director Graves advised you are free to pull things, revise this however you so choose to make it fit better for the City of Sheffield Lake and I understand that we have a lot smaller staff to do a lot of the detailed work. So, I just want to put that out there. That is where I was going with this. So, you should have before a draft, Chapter 1101 subdivision regulations and I drafted 1103 for bonds required. Rosa did point out a couple of typo's which I appreciate, thank you. Whenever you put something together with this length, there are going to be typo's so those will be corrected. So, Rosa thank you, any of the little typo's or grammatical things that you pointed out, I will correct. Chairperson Gee advised I thought those were abbreviations. Law Director Graves advised no they were typo's and that is fine. Chairperson Gee advised I have some questions if nobody minds, we discussed this back in October of 2017. If you notice, the Planning Commission Clerk and Clerk of Council, they are mentioned over 42 times in this with jobs. Avon Lake, I understand that we are using their legislation to help create ours. But Avon Lake has an entirely different setup, then Sheffield Lake does. They have someone that is their Clerk of that Commission. I was wondering for example, when you come down to 1101.05, if you notice, the Planning Commission Clerk shall organize a conference in accordance with the following provisions, wouldn't that be better if that was our Service Director or someone else doing that part? Law Director Graves advised I will tell you in Avon Lake they have a Clerk of Council who is very much like our Clerk of Council. Planning Commission, it is the Planning Commission Secretary is their Director of Public Works. Chairperson Gee stated you explained that to us back in October of 2017. Law Director Graves continued you have an appointed Board of residents, someone affiliated with that Board has to do the paperwork and the notices and all of that. You know you can't rely on citizen boards like on the Planning Commission to do all of that. So, I just kept it Planning Commission Clerk and in our case it is the same person. If you want to delegate those responsibilities to, for

example the Building Inspector for reviewing of these subdivision plats, concept plans and preliminary plans that I think would be appropriate because the Building Department will be reviewing these anyways. Or whomever, but if you are going to have Planning Commission Review, somebody needs to be sending out the notices, organizing conferences and forwarding that information to the Council. Nothing in here and it has been made clear to me that we don't want the Planning Commission to be the final decision maker. They review and they pass it on to the City Council what their comments and either up or down on the subdivision. Chairperson Gee advised how about if I do it this way than in asking on this question to make it a little more basic, drawings and map that would be best if that was the Building Department, am I right? She continued legal descriptions and legislation, that would be the Law Director's Department? Does that make sense? Law Director Graves asked for a repeat, what did you say for the Building Department? Chairperson Gee answered any drawings or maps to go through the Building Department instead of whatever and whoever the Clerk is? In our case, we only have the Clerk of Council. Law Director Graves stated when you say drawings and maps, coming up with that stuff would be the responsibility of the applicant, developer and would be reviewed by our City Engineer. City engineers, civil engineers and surveyors, those are the people that draw up plat maps and they are the people that write the legal descriptions of property. By the way, that is the same way it is in Avon Lake, they work with Bramhall Engineering and they draw all that stuff up for them. In terms of that, the City Engineer would be involved and I think this does reflect that. But in terms of other aspects, reviewing it – the Building Inspector would be fine. Chairperson Gee stated there is no denying the fact that we have a Planning Commission Clerk and Clerk of Council listed 42 times in this legislation, that has to be corrected because years from now no one is going to understand what we are talking about when they see this and it just doesn't make any sense. We don't have the 2 separate people and our Clerk of Council, I don't understand why we are deciding this is her job on some of these things David. Law Director Graves advised I want to this perfectly clear, I don't think we should term this as correcting it and no one is suggesting that this should be her job. It was written that way just to give you something to work with and somebody has to do it. In Avon Lake, it is the Planning Commission Secretary. I termed it Planning Commission Clerk, you can term it however you want and you can delegate it to wherever you want. It is a draft, a work in progress. I don't want this to come across like I am recommending that these duties be delegated to the Clerk of Council. Chairperson Gee stated I don't think we think that David. Law Director Graves advised you are free to do whatever you want, I think perhaps the Building Inspector would be the most appropriate person. Chairperson Gee advised so we are going back to the 1101.05, the very first paragraph and maybe we could see if the Service Director could do that? What is your opinion Pat? Superintendent Hastings advised my opinion is there could potentially be a narrative describing several positions that could take part in the process and the solution. Chairperson

Gee answered good point, very good point. Law Director Graves stated what part of 1101.05 are you talking about because in paragraph (a) this improvement plan conference will involve the City Engineer, the Service Director, the Building Inspector. Chairperson Gee advised paragraph (b). Law Director Graves stated so in paragraph (b) you are just talking to the person who receives the plans. They are requesting an improvement plan conference and they submit it to someone. Who is going to receive that? Chairperson Gee stated following the application, that paragraph is when I asked if that should be the Service Director, that is before (a). Law Director Graves stated so someone has to organize a conference and yes, that can be whoever you want. Chairperson Gee continued then in (b) where you were saying Planning Commission Clerk, I was wondering if that would be better for the Building Department? These are just suggestions, but back in October when we had this exact thing went in front of us, we had talked about correcting some of those things for the next time it came before the Ordinance Committee. Law Director Graves asked so are you suggesting correcting them? Chairperson Gee answered we have got to do something. We need to get this legislation changed to where it fits Sheffield Lake, right? Councilman Radeff stated so for our Planning Commission Clerk, that would just be Kay right? Law Director Graves answered she is the Clerk of Planning Commission. I think it is just for purposes of minutes and notices of meetings. Councilman Radeff stated when I read this it says yes, it says the Clerk of Planning Commission a lot, but a lot of them are like you pass on their approval, it is just passing information. It is not she is... she already knows the information one way or the other. It is not like it is giving her more responsibilities. I just don't see where, if we want to make somebody else, then that is fine, but I don't think the Planning Commission is doing much more than basic secretarial stuff, setting up a meeting. Law Director Graves stated the way I see this is 2 components, the first questions is the process, do you agree with the process. There are a lot of steps in this process, you don't have to have all those steps or you can put more steps. So, that first step is do you like the process that this lays out, if someone comes to the City of Sheffield Lake and says I want to build a subdivision there, that is the first thing. The second aspect of it is who do you want delegated to do the variance responsibilities, and you know there is a lot of stuff in here and that can be different people. It in no way needs to be the Planning Commission Clerk, that is just there to give you something to work with. Chairperson Gee stated prior to this legislation in front of us, the last subdivision who did our version of what we have and I know it was very outdated – 1957 I think. But who did the steps. Mayor Bring answered the Service Director. Chairperson Gee stated I thought Jon did it. Superintendent Hastings stated in conjunction with all those other offices though. Mayor Bring stated yes, but he kind of got things rolling. Law Director Graves advised this is all you have right now, this is it and most of these talks are about the bonds that have to be submitted. You got one paragraph that says it gets submitted to the Planning Commission and then submitted to Council and it is very vague and it doesn't really

delegate that responsibility to anybody. So, yes, historically the Service Director kind of put it together, consulted with the engineer and brought it before the Planning Commission and then it went to City Council. There really is no formal process, no formal guidelines. Superintendent Hastings stated, however it is a process that is not very professional I might add. Chairperson Gee stated so we are all in agreement that we need a more professional process. Superintendent Hastings advised absolutely, I am approached regularly now for the little bit of land that is available, so something like this critical. Chairperson Gee stated then it is really important for us to work on this and get it figured out, but I am not and I will not be comfortable with the Planning Commission Clerk or Clerk of Council, she does our minutes, she does things like that, whatever is within the scope of her employment. All that I understand, but anything extra, I am sorry I don't understand. Councilman Radeff asked for this whole process, are there fees for different stages of it. So, obviously there are different stages, such as preliminary plans that they want. They can jump to pre-application, so to start before they go before Planning and Zoning. Is it one set fee for the whole process. Law Director Graves answered, I think there is one fee, submission and then it gets forwarded on from there. Mayor Bring stated I agree, if you have steps it makes the whole process better. Superintendent Hastings stated I agree with your concept and what you are saying, but I would also draw from Mr. Radeff and Mr. Graves that she is facilitating the receiving of information and getting it back to those professionals for review. I don't think it is as laborious as you think it is, that is just my opinion and I certainly am not trying to add more work, but it is definitely somebody to receive and get it out to these professional reviewers. Chairperson Gee stated well a lot of this that she does makes sense to me, but 1101.05 (b), I don't see why that should be our Clerk of Council. She continued 1101.06 (a) I don't see why that should be our Clerk of Council. Superintendent Hastings stated again, she is just receiving. Law Director Graves stated first of all, secretarial/clerical type task, there is no reason why they can't be the Clerk of Council/Clerk of Planning Commission. Second of all, there is not a lot of developable land in Sheffield Lake. It is not like we are going to be inundated with people and they set up subdivisions. If we have one or two, that would be huge. Thirdly, you keep characterizing this as to why should it be her and I can't stress enough that this is not suggesting that it should be hers. The question should be, who should it be? When you look at a paragraph and yes, it says Planning Commission Clerk so the question would be well, it shouldn't be her? Why don't we talk about who it should be? Chairperson Gee stated, we talked about that October 15, 2017 David and the same paper comes before us this many months later. Law Director Graves argued I got no guidance on any of this stuff about who you want to delegate this to. That is what I am saying, don't say it shouldn't be her. Who do you want to delegate each of these responsibilities to, do you even want those responsibilities in the legislation? Chairperson Gee stated that is what we are working out now. Superintendent Hastings stated I think the process is fantastic, I think it is

professional, I think it is what the city needs. As kind of a front person in the city, for those folks who do come in who are looking at either end, to be able to have something like this is ideal. So, to the Law Director's point previous, do you like the process and we agree on that? Chairperson Gee answered we all did back in October, we agreed that we liked the process back then. Just that we needed to correct because we are not the same size city as Avon Lake. Superintendent Hastings stated nor will we have the volume of applicants to Mr. Graves point. Chairperson Gee stated that I understand. Superintendent Hastings stated you are talking three opportunities here that I could think of. Chairperson Gee advised we had already agreed though that we liked the way it was done. It was just we had to dedicate who was doing what because Avon Lake has a Planning Commission Clerk where we don't and we also at that time, didn't we discuss that Joe was trained in some of these things and we didn't have that in our system. Superintendent Hastings advised I think my duties are the closest representation of that, I do deal with every facet of this city; engineering and I am the designee to the Mayor under our current structure but Mr. Graves also identified the Superintendent. You could maybe put a narrative and/or the Clerk and/or at the beginning can assist. Law Director Graves stated in revising this I did include the Superintendent as a designee either or the Director of Public Service. Law Director Graves stated this committee has to make the decision who you want to delegate these various responsibilities to. It is not my role to tell you who to delegate those responsibilities to. It is not my job to write this and say you should give this to this one and this to this one and this to that one. What I have done is I have drafted template with a process that I think will work well. Now, it is up to this committee to discuss it and say in this regard, I think those responsibilities should be this person, this person and that person. Chairperson Gee advised I would like to bring it before the Board, 1101.05 the very first paragraph and also section (b). The first paragraph, I think our Superintendent would be the best to have in there and I was thinking of the Building Department and/or Superintendent for section (b). Law Director Graves clarified you are talking about the introductory paragraph .05, the organization of the improvement plans conference should be the responsibility of the Superintendent. Is that what you said? Chairperson Gee read the plan approval, the developer may request an improvement plans conference, so he is supposed to contact Kay for the conference. Law Director Graves stated the next sentence says upon this request the Planning Commission Clerk shall organize the conference, are you saying you want that conference organized by the Superintendent. Chairperson Gee stated you moved onto to (a). Law Director Graves stated no, it is the introductory paragraph and he repeated upon such request the Planning Commission Clerk shall organize a conference in accordance with the following provisions. So, do you want Kay to organize that conference or do you want the Superintendent to organize that conference. Chairperson Gee advised I see what you are saying there, I think Pat has done quite a bit of this to begin with and I am not sure, organizing a conference is that not always is our Clerk here. Pat is here during the daytime. Mayor

Bring stated right now we have a Superintendent and you are going to talk in the future here long after we are gone, how are they going to understand this. At the time we may have a Service Director so you will have to think in the future, are we going to have a Service Director or are we going to have a Superintendent so you may want to qualify a couple different ways of how you are going to do this. Just like the Clerk of Council, she may be here a few more years and may not be here and we may go back to a part-time Clerk of Council so you have to be careful on how you start wording this. A generality of what this application could be but Pat and I have always talked, you have to have something professional when these people come in because what we have now is so vague it confuses everybody. This application process here is much more professional and if someone is going to come in and pay a lot of money they want to see something like this. So yes, when you start thinking of names in particular – yes, we do have this now and yes you do have Pat now. Pat may retire in 5 years, Pat may retire in 10 years and Kay may retire in 2 years and Kay may retire in 5 years and I might not be around so, there is a whole litany of things you have to think about. That is the future. Chairperson Gee advised so some of these should be done by the Building Department, no matter who are Building Department is and some of these should be Superintendent/Service Director. Law Director Graves stated there are some provisions in here that are drafting all the responsibility of the Law Director. My recommendation would be and I know this has been hanging around for a long time, but that being said, this is not that urgent. It is important, but it is not urgent, we don't have a subdivision banging on the door right now. So, my recommendation would be this, the committee has been clear that you like this process so I would say going forward to take a good long look at every paragraph here and decide, maybe discuss it and think about it for the next meeting. Then decide where you want these various responsibilities delegated, some of the things in here are appropriate for the Planning Commission Clerk. If it just involves sending out notices, sending notice of a Planning Commission action to Council. Those are the things for the Planning Commission Clerk, there are other things that involve more expertise that should probably fall to the Superintendent/Service Director or the Building Official. So, I would recommend that you take this and dig into it a little bit and let me know the direction the committee wants to go in. Councilman Radeff stated I just have a question, so on some of these, this part of the process, some of them are shall and some of them are may. So, I am assuming that some of these things won't happen in the process just depending on what they are doing. Law Director Graves answered that is right. Councilman Radeff stated like the conference itself may not even happen, it says may request. There is a couple of other sections that says they may. Law Director Graves stated the concept plan, improvement plan conference plan – this is kind of what we do informally now anyway. What it is designed for is you don't let someone go deep into a process only to get told no. So, you give them the opportunity every step of the way to gage Planning Commission or Council's opinion. We do that now where someone comes

in and says hey, would the city consider vacating this property or would the city consider rezoning this property. Rather than have them pay the big application fee and go through that process only to be told no again, we say you know what come to a committee meeting, broach the subject, gage their opinion and from the onset it is no we don't want to consider that then they don't have to even go down that path. But if Council says hey we might entertain that then they can start the formal so I think throughout this process there are those opportunities for a developer as he is getting his concept for the subdivision to work with the city and get their opinion and develop it along the way. They don't have to but it gives them the opportunity. Chairperson Gee stated I have a couple of questions, the 1101.04 if you go down to paragraph 3, section (c) could we make sure that the writing on that be a little clearer because if you read it without knowing it doesn't sound like the Planning Commission is a recommending Board. It sounds more like they have to either approve or approve with conditions or disapprove, they recommend to Council and Council is the final decision. Am I right? Law Director Graves answered yes. Chairperson Gee stated for (c) and for (d) both. Law Director Graves stated, but everything that happens in c and d gets sent to Council under me for action under Council. Chairperson Gee stated it says after we have received written notice of approval, so in other words, if they don't approve then we don't see it. They have always been just a recommending board. They send us even if they don't approve something, it still comes before Council for Council to say yes, we agree with their decision and the way that is written, maybe I am misreading it but I don't see that. Law Director Graves stated, okay, fair enough. Chairperson Gee advised we will leave this on the agenda for further review.

Enforcement backflow prevention – Chairperson Gee advised third reading coming up at Council April 10, 2018.

Rental Inspections and Licensing – Chairperson Gee advised at Worksession we talked that that would be the legislation you would bring before us tonight with the corrections. I was kind of surprised to see the other one in the email. Do you have anything on 1395 for us? At Worksession we said that that one would come through Ordinance and go onto Council. Law Director Graves stated yes. Chairperson Gee asked do you have anything on it tonight for us? Law Director Graves stated it was sent, what else do you need? Law Director Graves stated I am sorry I don't understand, what do you want on that legislation? Chairperson Gee stated, okay I am talking about rental inspections and licensing, you were going to make some corrections and bring it before us tonight and we did not get it in our email. Law Director Graves stated what do you want the corrections to show, what? My understanding was you wanted it renumbered and that was done, what else do you want from that? Chairperson Gee stated, okay David, go back to Worksession March 20th. Council sent it back to us, we are to discuss tonight, both sections 1395.13 and 1395.14. We had discussed the 6 month time period and that you cleared up pretty much at Worksession then we went on to a whole page of talking more about it and

you said you would correct those few things that were discussed at Worksession and have it back for tonight. Law Director Graves stated on March 19th I sent an email which corrected the numbering, I sent that. Chairperson Gee stated I understand that and then on March 20th at Worksession, Council as a Whole had questions and it was sent back to Ordinance. Law Director Graves stated what specific questions on the legislation do you want to address tonight? Chairperson Gee stated do you want me to give you a copy of Worksession's minutes, would that be easier? Law Director Graves stated absolutely. Chairperson Gee stated Worksession sent it back to Ordinance for tonight. Law Director Graves stated for further discussion in this committee. Chairperson Gee answered yes. Law Director Graves stated well that is why we are here. Law Director Graves stated under 1395.18, suspension and revocation of the permit and 1395.19 zoning compliance and the zoning compliance is a step that the Building Department has to do and the Zoning Board wouldn't be involved other than a use variance which he explained. Councilperson Gee stated I was asking who does the verification, wouldn't it be easier to add verification from the Building Department. Law Director Graves advised we can reword that. Law Director Graves stated so is it the consensus of the committee that you want that verification performed by the Building Department? He stated, okay, I will go ahead and put that on my paper. He continued under 1395.23 where it talks about the permit renewal and the question was January 2nd and he advised on these renewals, you will have a pretty clear record of what permits have been issued and who has renewed them. They are computerized and would be pretty quick to print out who hasn't. President Rosso advised you have a valid point, so take it back to Ordinance and then to bring it back whatever you want to do with it. Law Director Graves stated some of these questions, Worksession is just a discussion. It was a discussion, it was guidance and so now it is back with this committee to decide what you want to do. So alright, under 1395 verification of the zoning permit, that can be the Building Department. Expiration of renewals, when do you want that? Chairperson Gee answered, I thought you addressed that really well with how you explained it at Worksession. Law Director Graves continued 1395.25, no changes there, brief discussion. He continued 1395.26 and 27, what department receives the fine fees – okay then we got into a little bit of a side discussion about limiting the amount of people in a home and defining families and stuff. I apologize if there were other corrections that I wasn't clear on but. Chairperson Gee stated you just now covered them, but I didn't see the legislation and it wasn't emailed that that was done. Law Director Graves stated in looking at my emails I guess I didn't send something that I thought in my mind these were recommendations from Council as a Whole that there would be further discussed in committee. So, and it looks like the main one was that the verification has proper zoning, that it should clarified that it be performed by the Building Department and not relied upon by the applicant. Chairperson Gee advised yes, because you answered every other question and it made sense to Council at Worksession, that was the only one that really needed to

be corrected and you said you would have it ready for Ordinance. Law Director Graves stated I think that where we are getting bogged down at least here a little bit is I want direction from the committee. I can't just tell you what to do, you know I can give you guidance and I can say I recommend this but you know the committee has to decide what you want to say, what you want to do. Then I will be happy to draft it that way. So, you give me a clear indication of what you want and I will write it up and we will take it to Council. Chairperson Gee stated, but David sometimes we need to see it after it is written before we can send it on to Council instead of you saying no, I will have it ready. It is easier just to have it once we discuss it, for example the legislation earlier tonight. We discussed that all the way back in October, we discussed that a bunch of times before then even. Law Director Graves stated discussion is not direction and most of the meetings since October on that subdivision were yes, we are still reviewing it, we are still reviewing it. This is the first time that I have actually given you a very clear draft of that legislation with the direction that I think you wanted. Chairperson Gee stated October 5th Ordinance meeting and it is even in the minutes from that meeting, that we discussed the leg work could be the Building Inspector and/or Zoning Inspector for the one issue that we discussed again tonight. Law Director Graves stated and sitting here tonight Rosa, we will come back next month, I still don't know what you want to do as far as delegating that. Chairperson Gee stated you told us you want us to take it home and think about it for the next month. So, that is what we will do, look at it and study it. Law Director Graves advised when we come back in May, I need you to tell me how you want to delegate these responsibilities. You can't just come in and say well how do you want to do it and we have been talking about it since October. Chairperson Gee stated I thought part of the issues that we had tonight with that legislation, I thought we had discussed and got the Superintendent's version and said what about taking and putting in that legislation the term Building Department, Superintendent/Service Director, those in places that they were needed. Law Director Graves stated no, I think that is right, but not all of them. Chairperson Gee stated, but that part we have agreed on so far. So, that part can be corrected right or no? Or do you want us to take it home and study it more? Law Director Graves stated yes, I think you need to or do you want me to go through that ordinance and make a determination on my own of what I think the responsibilities of the Clerk are, what I think should be the responsibilities of the Superintendent, what I think the responsibilities of the Building Inspector – do you want me to just give you my thoughts. Chairperson Gee answered no, because I am not happy with it. Law Director Graves stated I haven't done that, I have given you a template to work with. Chairperson Gee asked isn't that the same template that you gave us October 5th? Law Director Graves answered no, what I gave you October 5th was a copy of the other legislation and what I did for this time was I completely rewrote it for Sheffield Lake. I also rewrote ours in an entirely new section 1103. Councilman Radeff stated first of all, it is the first time I have seen it, so whatever happened in October I don't

really know what happened. This is the first time I looked at it, so I don't know what you guys agree on or have not agreed on. But I think just my opinion, look at the spot, look at the spot where the Clerk is and then write down who you think should do it. When we come back, we will just go through each spot and say okay, I wrote that this person should do this and this person do this and then we can just make those decisions real quick and easy. Chairperson Gee stated that sounds good. Law Director Graves stated that is when we kind of went back to the other ones and then on the rental inspections, are you ready and I will get you a clean copy of this and I apologize that I didn't do it but with all of the numbering corrected with the language the way it is with that zoning affirmation. I mean that is a second thing, someone comes in and say I want to do a multi-family rental, is your district zoned for that, yes or no, okay you can't get a license because it isn't zoned for that. It is a quick thing, so other than clearing that up, do you have any other questions or concerns about this or are you ready to send it on for a vote with Council as a Whole? Chairperson Gee stated I thought we would be ready to send it on with those corrections. Councilman Radeff stated yes, I think it is ready to send on, I didn't have any problem with it the last time we looked at it. Chairperson Gee advised it was the numbering that Rocky pointed out and then the question that I had that came from the Building Department. Those were the only 2 issues because you covered all the rest great at Worksession that night David. Law Director Graves stated thank you. Councilman Radeff stated so barring him fixing those, are we able to decide to move it on. As long as, he makes those changes instead of bringing it back? Chairperson Gee answered yes, it should be able to go. Councilman Radeff stated okay then let's do that. *Motion by Radeff/Second by Erdei to move the ordinance regarding rental inspections and licensing onto Council. Yeas All. Law Director Graves stated I will have that for next Council.

Gravel Driveway extensions – Chairperson Gee advised item d, gravel driveways, we just keep that on because it tis the season. I have noticed though throughout the city, I have seen some that were shored up with wood and new gravel. I don't know if anybody else has seen any but I have seen a few done. Law Director Graves stated I was just asking in terms of the gravel driveway extensions, are you considering amending that legislation? Chairperson Gee answered no, the Mayor asked if we would leave it on until we started enforcing it, remember and that is why it is just on there until we start enforcing it because people will start calling, that legislation is done and over with. It is just a matter of, remember, no one wanted to start enforcing it in the winter. Even you talked about that David. Law Director Graves advised well typically, if you keep it on your committee agenda, the reason for that is you are still reviewing it. Enforcement of ordinances is the responsibility of Administration. If a committee wants to keep it on their agenda and continue to discuss it then typically you would be discussing revising that legislation. So, I mean you are free to keep it on your agenda as long as you want. Chairperson Gee advised once we know that it is starting to be enforced then we can remove it. Councilman Radeff stated is there

a specific plan on how they are going to register. Law Director Graves stated I am not aware. Chairperson Gee stated no, it has not been finalized yet. Councilman Radeff stated that might be something that we need to just put together. Law Director Graves advised a lot of that responsibility was delegated to the Building Department and the Mayor is going to have to work with them and I believe when our seasonal property maintenance person comes back, I think the plan is to have him as the Building Inspectors designee start to work out enforcement. Chairperson Gee asked isn't our property maintenance person back yet? Superintendent Hastings answered yes.

NEW BUSINESS: Law Director Graves advised the Mayor mentioned a concern to me and I just want to put it out there to start a discussion and this is in regards to the definition of fences, front yard fences. Just by way of history and Superintendent Hastings probably remembers this but 10 to 15 years ago this Council at the time debated decorative fences annually. It went through a period of time where our fence ordinance literally changed year to year to year with changing opinions of what fences do you want, what fences you don't want and getting into real detailed descriptions of this is okay and this isn't okay. At some point, the consensus of Council was we don't want to get into this anymore. We just want to describe height, size and that kind of thing and location, but not getting into the real detail of it and that is the way they left it. It is particularly in the case of front yard fences, now that in and of itself because we don't allow front yard fences, what we allow are structures that resemble fences, but do not enclose that are no more than 36 inches in height and that needs to be reviewed. Many communities contain language which is like a certain percentage of open space, fences in the front yard are decorative structures, not actual fences unless they get a variance. So, if this committee so chose to start to entertain discussion of evaluating our fence ordinance especially the front yard fences. Chairperson Gee asked Rocky, have you seen the one by OVI on Lake Road, the tin? Councilman Radeff stated I will drive by on my way home. Chairperson Gee advised that is what is basically bringing this up. If that happens again, there is nothing we can do to change that one and there has been a lot of complaints in Ward 1 about it but there was nothing on the books like David said nothing for us to stop it. Councilman Radeff stated that was slightly brought up at Zoning, someone brought up the front yard fence. We can discuss what we want to do that as well. Chairperson Gee asked have you looked at any fence legislation elsewhere yet David? Law Director Graves advised I am familiar with the front yard fence ordinance in Avon Lake and other communities, it is a little clearer defined where 36 inches is usually the standard, but normally they do include a certain percentage of open space, a minimum of 50% open space or something like that. Chairperson Gee asked didn't we at one time, even have a backyard fence ordinance that was 50%? Law Director Graves answered no, not to my knowledge. At one point, they prohibited stockade fences. Chairperson Gee stated that was it. Law Director Graves continued, but they got rid of that, you can always put board on

board. Chairperson Gee stated let me ask you this on that topic, couldn't someone wanting a decorative fence have to get approval from another committee, like bringing in a picture of it because the word decorative can mean one thing to one person and one thing to another? Law Director Graves advised decorative fences, you have to understand that when you look at the zoning, the ordinances regarding every zoning district; R1, R2 or whatever describe where fences can be but they all say no fences should be located in the front yard. In fact, under 1352.05 fence regulations, I am looking at subsection (c) no fences are permitted in the front yard. Just none, you can't have any fences in the front yard but then you go into decorative fences under 1352.07 fences that enhance the aesthetic features of the property, although resembling a fence shall not enclose any area, shall not have a gate. If installed in the front yard, the fence shall have a minimum of 6 inches from the sidewalk, they shall not exceed 36 inches in height and a building permit, it doesn't describe anything further. Chairperson Gee stated that doesn't resemble a fence, the one on east side, it doesn't. It doesn't resemble anything decorative either, but he said that is decorative in his opinion didn't he? Law Director Graves stated yes, when you talk about enhancing the aesthetic features of the property, he might think that that is very modern art-ish. So, it is a contemporary fence. That is why we have zoning regulations because if you leave it to the public then everybody is going to have a different idea of what looks nice and when you live in a densely populated community you have got to have guidelines. So, that is why we have zoning regulations in the first place and it is probably worth reviewing. Councilman Radeff asked what section is that under? Law Director Graves answered 1352.07 and the general fence regulations is 1352.05. Chairperson Gee advised if you type in the fence, they will all come up. So, you will look into a few examples, we would appreciate it. Law Director Graves answered, I can, examples of what specifically. Chairperson Gee answered fencing, that way we can discuss going back to no front yard fencing like what we had quite a while back as that might be an option that we might want to consider or the 50% like you mentioned David. That might be an option we want to consider. If you could give a couple of different options that we could review. Law Director Graves stated so, I will look at what other communities have done in regard to decorative fences in the front yard. Chairperson Gee advised Kay, if you could add decorative fences on the agenda.

CITIZENS COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

Council#011 – THIRD READING – an ordinance amending section 935.22 of the codified ordinances of Sheffield Lake regarding backflow devices and cross connection control and the declaring of an emergency.

Council#013 – THIRD READING – a resolution in support of and partially adopting the Ohio Department of Transportation's 2018 operational study for State Route 301 and the declaring of an emergency.

Council#015 – SECOND READING – an ordinance establishing section 1511.06 of the codified ordinances of the City of Sheffield Lake regarding exterior electric and fuel burning cooking devices.

Law Director Graves advised we will most likely have one additional piece of legislation authorizing the Mayor or designee to apply for some NOPEC funding.

MEETING ADJOURNED: With no further business before this committee, *Motion by Erdei/Second by Radeff to adjourn at 8:13 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.

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 5, 2018.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso