

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
September 6, 2018

This regular meeting of the Ordinance Committee was held Thursday, September 6, 2018. Chairperson Gee called the meeting to order at 7:18 PM.

ROLL CALL OF MEMBERS:

Present: Gee, Radeff, Mayor Bring, Law Director Graves, Superintendent Hastings

Attending: Concerned Citizen

MINUTES: July 10, 2018, *Motion by Radeff/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Subdivision regulations – remove after it goes through Worksession.

Gravel Driveway extensions – Mayor Bring advised obviously when we switch departments with the Building Department then we will start looking at that. The end of September will be the changing of the guard so to speak.

Parcel#03-000-441-05-011 – Law Director Graves advised this was a parcel of land that was donated to the city on the corner of Dorchester. It is a 35 X 110-foot lot and has a tax total market value of \$390.00 according to the Lorain County Auditor and I believe the resident wishes to purchase this from the city and he is in attendance.

Jim John Giancaterino, 846 Devonshire Avenue advised I am not sure what else you would like from me. The parcel that I am interested in buying is adjacent to my property on Dorchester and behind my property on Devonshire. It was owned by a woman long ago who wanted more money for it than I was willing to pay and then recently when the Emerald Ash came through well, it devastated the woods behind us and the ash trees on that property. So, I contacted the current owner who apparently must have inherited it because there was no dollar transfer and there was a different owner. I let her know about the trees and that they had to be taken down as they were dangerous. I said it in a letter and she received the letter as I sent it certified so I knew she got it. I didn't get any information back from her and I told her how much it would cost to have the trees taken down and that if she wanted to give me the property that I would forego the cost because it was a lot more than \$300.00 that the property was worth. Well, apparently instead of getting back to me she then gave it to the city. Meanwhile, these trees are falling so I started cutting down the ash trees to get them out of there because they are dangerous. The neighbors on the other side have little kids and they are renting the property so I started taking down the ash trees because some of them had already started to fall. Then when I went back to the map at the Auditor's Department I found out that the city owned the property now. So, I guess this is what I have to do to purchase it. The

property is right behind mine and I have basically taken care of it overall because it is only 35-foot wide and there really isn't much you can with it. Chairperson Gee advised did the Law Director explain the procedure on this? Mr. Giancaterino answered yes, he told me there is a procedure, but I don't know the details. Law Director Graves advised public property owned by the city has to be sold by competitive public bidding. So, we would be required to bid this in a newspaper of general circulation for 5 consecutive weeks. Now, there is an abbreviated procedure that you do it for 2 weeks and then you can get it posted on a newspaper website and that is in the ORC (Ohio Revised Code) and can save a little money because you are not paying for that ad in the paper print 5 times. But it is still a costly process and in any minimum bid, the city would set on that property would have to be enough to cover the cost of bidding that in the newspaper and that could be easily over a thousand dollars. That would be just to run that ad in the newspaper. He explained we would have to agree to sell it, Council would have to pass legislation authorizing the city to run that bid in the newspaper and to establish a minimum bid on the property that would sufficient to cover the city's cost. When the city agrees to do that, we are kind of gambling because if you change your mind because then we are out the money for the advertising for bid. Mr. Giancaterino stated there is probably only 2 people interested in buying it; myself and right now, the property on the north side of this subplot is in foreclosure right now. So, it would be me and the bank if they were willing to buy it. I can't picture anyone else wanting this because there is no road there, it is a landlocked piece of property. It has no value to anyone except me and I guess the bank. But I do understand that there is going to be a cost associated with it and I am willing to do that. Chairperson Gee asked sir, being made fully aware of the rough cost of this, you are still interested? Mr. Giancaterino answered yes, I would be willing to pay the thousand dollars or whatever and just be able to add it to my backyard. Law Director Graves advised I don't want to be construed on public record that a thousand dollars would be a minimum bid. It would be the value of the property, we have that tax market value plus whatever the cost of advertising would be which could be over a thousand just for that. We have to take all that into consideration, but if the consensus of the committee is that we draw up some form of legislation to authorize putting this out for bid and establishing a minimum bid then I can prepare that for Worksession if you want. Chairperson Gee clarified sir, you are sure you are going to buy this? Mr. Giancaterino answered as long as it is not \$10,000. *Motion by Gee/Second by Radeff directing the Law Director to draw up legislation for parcel#03-000-441-05-011 for advertising for bid for the Worksession for this month. Yeas All.

International Building Code – put on hold for meeting tomorrow. Law Director Graves advised kind of an organizational meeting tomorrow with some of the people that might be involved. LEAVE ON AGENDA.

111.02 Investment Committee – Law Director Graves advised removing 2 residents or 2 additional members appointed by Council and that the Finance Director will make a quarterly report of the investments at the regular Finance & Audit. *Motion by Gee/Second by Radeff to refer legislation to Worksession. Yeas All.

Increase for Mayor and President of Council – Law Director Graves reviewed the increases and advised last increase was in 1996. Our Charter says that any pay raises for elected Officials has to be passed no later than 45 days prior to the filing deadline for the primary which is probably going to be the first week of February for the May primary. So, 45 days prior to that puts you into mid to late December. So, 30 days would be the first week of January and another 15 puts you in mid-December. My recommendation is that Council entertain this and get it passed by the last meeting in November. Chairperson Gee clarified I thought we had to have this done by October? Law Director Graves advised October would be even better. Mid December would be the absolute deadline, but you don't want to play with that. There was a brief review of increases which Chairperson Gee advised that is still below a lot of cities pay ranges. Law Director Graves pointed out, this would be effective the first pay period of 2020. *Motion by Gee/Second by Radeff to refer legislation for Mayor to Worksession. Yeas All. President of Council – Law Director Graves explained the President of Council pay is separate and the President does have a lot of responsibility as he stands in line to assume the responsibilities of the Mayor in case something would ever happen to the Mayor. The last time the President of Council's pay was increased was back in 1994. So, the recommendation would be that the President of Council be paid 20% more than the rest of the members of Council. Again, effective the first pay period of 2020 that rate would be \$9,504.00 and then subsequent thereafter 20% more. So, if the state were to raise the threshold amount for PERS credit then all of Council would go up and he would be 20% above them. *Motion by Gee/Second by Radeff to refer to Worksession. Yeas All.

Boat Launch – Chairperson Gee clarified this is about the parking for which we have signs there. Superintendent Hastings advised I have been monitoring it and find the problem to be rare. Typically, it is on the holidays and my opinion is it is a non-issue at this point. Mayor Bring concurred after looking into this, I agree with Mr. Hastings, and after hearing about it for only 1 or 2 days of the whole summer for us to go ahead and do something like that. I think everything is working pretty well and actually it was only 1 complaint, but I drive by there every morning now. Law Director Graves concurred compare the number of complaints which are maybe 1 or 2 times a year and not to discourage anyone from the enjoyment of the Boat Launch. *Motion by Gee/Second by Radeff to leave the parking as is and **REMOVE FROM AGENDA**. Yeas All.

935.16 - Law Director Graves advised we have had a few accounts, unfortunately that the water is currently shut off because Bill was allowing to get rather high before it got shut off. The question is why it was allowed to get that high and those issues

are being addressed internally through some of the systems that are in place. However, the process that they follow has been altered through the years by various recommendations and various Service Director's and really when you read that language it is kind of vague, ambiguous and unclear. One way to read it is as soon as they are 30 days past due, we are supposed to shut the water off, well that is not workable. So, the change is just to eliminate that second sentence because obviously if someone wants to know the specific dates then they can ask for it. But the water bill would be due and payable on the first of every month and any bill that is not paid by the 15th of the month will have 10% penalty and if it is not paid within 60 days, so basically if it goes unpaid for 2 months the water is to be shut off immediately and not turned back on until all fees are paid; arrearage, current charges as well as the turn on fee. Then the additional language that is recommended is that the Director of Service or the Superintendent may establish rules and procedures as necessary to provide notice of any arrearages and dates of shut off for non-payment. Chairperson Gee asked don't the bills like the 10th? Superintendent Hastings answered no, we have had some problems with our printer, but they are typically out by the 1st or 2nd of each month. *Motion by Gee/Second by Radeff to refer to Worksession. Yeas All.

931.17 - Law Director Graves explained all the residents in the city have been getting a 10% reduction in their sewer charges for the months of June, July and August and the theory being that during those summer months people will be doing a lot more watering and water usage that would not be going into the sanitary sewer system and therefore they get a 10% credit on their sewer charge. The reality is and I don't know if there is very little watering going on or I&I or whatever, but nearly all the water ends up going into the sanitary sewer system. So, the city ends up having a discrepancy there on the bill. It is not that the city's sanitary sewer bill goes down, it is just that we are not taking in enough money. So, the recommendation is to just eliminate that 10% credit. Superintendent Hastings added the residents, the consumer still does have the opportunity to save on their sewer credit in the form of pool credits. We do have the new automated and improved metering system now so we can give them exact month to month reading's so they can monitor their usage. If they call we could show by the hour exactly how they use it. So, these costs as the Law Director said are really to counter the increasing cost of I&I that the sewer department realizes every month. Chairperson Gee advised this idea might have been great years ago, but we didn't have the equipment then that we do now. *Motion by Gee/Second by Radeff to refer to Worksession.

1371.03 (e) – Law Director Graves advised this was actually brought to my attention by the Building Department Clerk and if you recall last year we passed an amendment to the commercial building fees schedule and the lead to amended legislation multiple sections of our code. Unfortunately, the way our code is written and it is not ideal, you can't just go to one easy section and find all the permit fees. They are interspersed to about 6 different sections of the code. So, this particular

section was just overlooked. So, 1371.03 (e) prescribed a different fee for sign permits then the amended 1361.16 (a) 3 (h). So, this is more or less just housekeeping to make it consistent with the new sign code. *Motion by Gee/Second by Radeff refer to Worksession. Yeas All.

129.11 – Law Director Graves advised this was passed in 1992 and he explained that any funds that are established from this code would be in a specific line for real estate capital improvements. The language where it talks about the minimum price is somewhat confusing in that it establishes a formula of not less than 60% of three times the tax appraised value and I think I know what they were trying to do but they just didn't say it right. I don't think they meant appraised value, I think they meant assessed value and as most people are aware the Auditor establishes a market value for your property and then you are taxed on 35% of that, that .35 is your assessed value. So, I think they were trying to say 3 times of the assessed value, rather than just say 60% of market value. But they didn't use the word assessed, they used appraised. So, I don't think that they meant 60% of 3 times the market value. That would just be weird. I think they were trying to say 60% of the market value to use 3 times assessed value and so it is much clearer to say that after public bidding it will be sold not less than 60% of the market value as established by the Lorain County Auditor. So, that is the recommendation and then the Finance Director and the Mayor spoke with me about this section b and it really doesn't make much difference and really isn't much of a point to have that put into a real estate investment fund because the general fund is used to make real estate capital improvements. It is one of these things where if that money had to go into that line, then all the city would have to do is reduce the general fund subsidy for capital improvements, it would be almost like a shell game. That happens every time you try to designate a specific line. Well, then, the money from the general fund could be used for something else, it wouldn't get a net increase. So, the recommendation from the Finance Department is just to eliminate that and it all goes into the general fund and the general fund is used for real estate capital improvements. That is how it has always been. Chairperson Gee asked is this going to cover the fact of any time we do go to sell property, we have to run it in the newspaper, is that going to cover this? Law Director Graves answered that is covered as that is state law. Chairperson Gee stated so we will still have 2 separate things basically. Law Director Graves answered we have to bid the property in the newspaper and the city is always free to set a minimum bid on that property. What this says is that minimum bid cannot be less than 60% of the market value. So, in other words, if 60% of the market value is \$1000.00 then the city can't sell it for \$500.00, we have to sale it for 60% of the market value minimum. We can always sell it for more. Chairperson Gee asked there is no way in the future that someone is going to look at this and say, well, I don't know why they didn't realize the cost in the newspaper. Mayor Bring answered newspaper cost have gone up expediently. Law Director Graves advised you could do it either way, you could put language into the ordinance that the minimum price

should also include any cost incurred by the city to advertise to bid the property. However, if you, didn't I think it would just always be prudent that the city do that. I mean the city can't sale property to lose money. Chairperson Gee stated I think that would be a good question to bring up at Worksession. *Motion by Gee/Second by Radeff to refer to Worksession. Yeas All.

Remedies for unpaid parking tickets – Chairperson Gee advised this was brought up at Safety the other night people not paying parking tickets and thought it should be brought up here tonight in Ordinance. Law Director Graves advised it is an on-going problem and it is not just a problem for Sheffield Lake, it is a problem everywhere. He explained nobody likes to pay parking tickets and they are not arrestable. So, you really shouldn't send out warrants for parking tickets. There is a remedy right now in Ohio, which states that if you have 3 or more unpaid parking tickets or 1 unpaid handicap parking ticket, we can put a registration block on your vehicle which means you would not be able to get a new registration for your vehicle until you pay your tickets and that gets filed with the BMV. Also, chronic offenders who have 3 or more then we can put registration block or 1 handicap ticket also a registration block on your vehicle. The problem with that is a lot of people don't run up 3 and also some people don't own a car, so if you don't own a car, then you are not paying registration and then it doesn't really impact you. So, that is the problem, but most of the unpaid tickets and in fact, all of the unpaid tickets that we have are people with less than 3. We just have a lot of people that don't pay 1 or 2 and so, we can't put a registration block on them. Mayor Bring advised, even though the State of Ohio requires you to have a license, a lot of these people who aren't paying their tickets, we could put a block on their registrations and they don't have licenses. So, they don't care. If you would come to court, you would see person after person that doesn't have a driver's license and they continue to drive on that. So, we are running into a lot of those people and they just frankly don't care. This has got to be a different avenue of what we are working on and like the Law Director said, we can't put a warrant out for them, we can't do things, but I know some of the other cities are collecting this and I don't know how, if they are raising the rates and again I don't know how they are doing it. But somehow, we have to figure this out. Our tickets are \$15.00 and if they come to court it is \$35.00. We put it on a car and if it rains overnight, then we put it in a plastic baggie because a lot of people say the ticket washed away but that is not true. So, they are getting them, but the word is getting around and they just aren't paying them. If you look on Facebook people are saying just don't pay the ticket. Again, the reason why we have done the parking ban is for the Safety Forces doing numerous emergency situations and it has helped the city immensely as far as that goes. Especially, at night time when these kids are going around and opening up doors. At least, our Police Officers can go down the street and have a line of view, all the way down, which has deterred a lot of that stuff. Law Director Graves advised another option and I don't know if this would be any more successful than what we have but many years ago the City of Avon Lake

de-criminalized their parking tickets and they established what was called a civil parking ticket bureau. So, parking tickets over there and what happens is there is a parking bureau/board or whatever and they hear (basically it is one person) but they hear appeals and every once in a while people will appeal a ticket, but most people don't but if the ticket goes unpaid after a couple of notices are sent out then it is just certified over to the court as more or less a judgement lien. Then to have that released, you have to pay \$20.00 for the ticket and then an additional \$35.00 to the court to release that lien. But it is just a judgement lien and just sits out there and there is a lot of them. Chairperson Gee stated so they could ignore it? Law Director Graves answered pretty much. He explained there is case law that when someone is issued a parking ticket there is a presumption that they received that ticket and that the owner was the driver. A rebuttable presumption is the owner could come into court and say I wasn't driving and I was not the one that parked the car there, it was my brother. But you are presumed to have received it and you have to come in and give evidence that no you didn't. Chairperson Gee advised booting is way too expensive and a lot of cities have already stopped that. Mayor Bring advised you would have to hire a service and that gets very expensive and our whole purpose to keep it clear at night. Law Director Graves advised I don't know if this would even be considered and I don't know, but maybe lowering the ticket amount might encourage more people to pay them. So, I don't know if that is an option because it is \$15.00. Mayor Bring advised if you show up at court it is \$35.00 and we always wave the court cost which is \$90.00 and we never make them pay that. Chairperson Gee advised maybe our safety forces might have some ideas on this. Councilman Radeff stated I mean they are going to do the 3rd one, it is just a matter of time right? Mayor Bring advised our Deputy Clerk does notify everyone as she sends them out and they do get notices. Some are out of town, just like if you go to Cleveland and stop at a restaurant and you get ticketed. Some of these people have numerous ones that they don't pay, but most of the time the Safety Forces refer back to David because they have to follow the law and that is why they refer back to David. Law Director Graves stated I can assure you that anybody has an unpaid handicap ticket or has 3 or more unpaid parking tickets, we will pursue a registration block on that person. Then I believe to get that released they have to pay all the unpaid tickets. Let's say, you have 5, you can't say, well, I will pay 3 and then have 2 – no, you have to pay them all plus \$8.00 per ticket processing fee. That is what it would cost to release the registration block at the BMV. Councilman Radeff stated plus, the ticket increases if unpaid. Chairperson Gee stated no they don't. Councilman Radeff asked can you do that? Mayor Bring stated I don't know if you really want to start penalizing residents that much. A lot of them forget and they come in and apologize. But there are people that pay \$15.00 on a weekly basis, they don't care. Chairperson Gee advised there is one that declares it as a business expense and he puts that on Facebook. Mayor Bring shared there was one young girl and the nicest girl that you would ever want to meet, just laughed about it and she came 4 or 5 times and the 5th

time she came in she had a cast on her leg and I asked her, now what did you do? She told me she was running out to get to the car before it was 2 am and I fell down and broke my leg. She was laughing about it. Chairperson Gee advised it is on Facebook and other social media where they just don't pay it. Law Director Graves advised, but madam Chairperson, we don't have anyone that has 3 unpaid parking tickets, so it is not that rampant that they are not paying because if anybody runs up 3 they are going to get a registration block. So, it is probably a lot of people not paying more than 2. We do stay on it, if it is more than 3 we will block their license. Mayor Bring advised the Deputy Clerk continues to notify everybody. I come in basically every day and I do check with her and she keeps me updated on what is going on. Councilman Radeff stated I am assuming that not very many know that after the 3rd one the license is blocked. Mayor Bring advised we notify them in the beginning that this goes unpaid this is what is going to happen. Law Director Graves stated it is a registration block on their vehicle and would not have anything to do with their driver's license. So, if they don't own a car, then you are not registering anything anyway, but it is what we have. Chairperson Gee asked boat trailers have to have plates right? Law Director Graves answered yes. Chairperson Gee asked if they are not plated, they get ticketed? Law Director Graves answered yes. Mayor Bring advised there may be a little law that if you are a certain distance from a boat launch. Law Director Graves advised there is, you can drive it a very short distance. Chairperson Gee asked so if it is parked in a driveway, it doesn't have to have a plate? **LEAVE ON AGENDA.**

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

MEETING ADJOURNED: With no further business before this committee, *Motion by Radeff/Second by Gee to adjourn at 8:08 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 September 6, 2018.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso