

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
October 4, 2018

This regular meeting of the Ordinance Committee was held Thursday, October 4, 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: September 6, 2018, *Motion by Radeff/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Gravel Driveway extensions – Chairperson Gee advised we will leave on as we have a new Building Department and will give them time to get into things. So, I think that issue should be put on hold until we get completely up and running. LEAVE ON AGENDA. Chairperson Gee advised a and b both, we should wait until into the winter.

International Building Code – LEAVE ON AGENDA.

Remedies for unpaid parking tickets – Chairperson Gee advised I believe you have some information on this Mayor. Mayor Bring advised that is going quite well and we are probably down to half of what we had. The ones that we have had pay, basically they were out of town and we had 1 deceased and a couple of them that were out of state. But that is working very well and it is costing the people \$125.00 and if they had paid it in the beginning it was \$15.00 and if they had paid the late fee then it was \$35.00. Chairperson Gee advised so, in other words, we do not need to create an ordinance as this was working fine. Mayor Bring stated no, whoever thought of this, was a very good idea and it is working very well. Law Director Graves advised we had a number of discussions about it and between myself and the Mayor and the Police Chief came up with this plan and it seems to be working pretty well which he explained the procedure. **REMOVE FROM AGENDA.**

NEW BUSINESS:

Dead Trees – Chairperson Gee advised I spoke with our Property Maintenance Officer and he says that he has seen a few so I had Kay put this on the agenda. I know we need a Forester to write that. Law Director Graves advised there are a couple of different sections of our code that you could look to for remedies for dead trees. The first section that you could look at is 1395 which is the general property maintenance code and dead trees are considered an exterior maintenance issue that are a danger to people and property and the Building Inspector and/or the Property Maintenance Officer which would be his designee has the authority to issue citations

just like any other exterior maintenance issue and that does not require the Forester. So, that is if we are going to issue warning letters and then citations into Mayors Court. The issue is some of these properties are owned by corporations or limited liability companies that headquartered in other states and it becomes difficult to cite those type of entities criminally under the property maintenance code. So, the second section of the code that you might look at would be 907 which is under the utilities section and public services. That language does reference the Forester and that is the language that talks about how the Forester may enter onto private lands and cause the trees to be taken down basically if they are diseased, if they are carrying a parasite or if they are diseased or spread to other trees or other areas of the community. That does require the Forester, so we do have the position of Forester on the books and it directs that it will be appointed by the Mayor confirmed by a majority of Council and that that person would serve without compensation. It is just a title and historically it was the Service Director that was the Forester. The Forester does not have to be a trained certified Arborists and could engage the services of an Arborist to make the determination but does not have to be a trained, certified Arborist. Again, it is more along the lines of like the ash borer or some other disease that is a danger of spreading. I think in terms of the city entering in on people's private property and taking trees down, we have to be very cautious about that. So, I think the best route is if it is a bad one and you have a property owner there and it is occupied, just go the Mayors Court property maintenance route. Some of these vacant woods, there are a lot of dead trees in these woods and I don't know that the city wants to start going all over taking dead trees down on this private property because it becomes a question of which ones do you take down, which ones do you leave? It could become a quagmire. Chairperson Gee advised I understand that and I didn't bring a copy of it tonight but I believe it is 901 in reference to tree lawns, it talks about the Forester with dead tree limbs or danger nuisance, it mentions it there too. Mayor Bring advised as far as us trimming trees along the roads and right-of-way's, we have the right to do that. Whether people that its ugly or whatever, we want to make sure that those branches are removed and not only for falling on cars but also our snow plow trucks so we don't lose our mirrors and everything else. We have not done that in a long time and I know there has been some complaints about it. We do have the right because it is the city's right-of-way and we are going to continue that process. Chairperson Gee advised I have heard more praise about the trees being trimmed, I only heard 2 complaints. Superintendent Hastings advised I would only comment on what the Mayor has said on the right-of-way. We are actively engaged currently with trimming in that regard and we are going to continue to as it also helps the school buses, the BFI trucks and I wasn't aware until the Law Director said that our property maintenance was a means of going after the owner. I have tried to work with the Property Maintenance Officer to let him know of an Ohio Edison program where the residents can finance at 0% interest the removal of their tree regardless of if it is in or around power lines. I have used it personally, I had 5 trees trimmed and 1 removed

for about \$1500.00 and it added \$30.00 to my electric bill for about 3 years, it is very affordable. Chairperson Gee asked could you email me that information. Superintendent Hastings answered sure. Law Director Graves asked are they still doing that program? Superintendent Hastings answered yes. Law Director Graves advised one further point, I just want to make sure that everyone is clear and that the committee is clear in regard to the city's obligation when it comes to maintaining private tree lawns. There is a difference between the right to maintain tree lawns and a duty to maintain tree lawns. The city is under no duty to maintain growth in people's tree lawns, we are not obligated to mow people lawns or tree lawns or trim or anything like that. We have the right to do it if it interferes with the right-of-way but we do not have an obligation to maintain people's. So, if someone calls and says the city needs to come out and trim my tree, that is not true. It is the private property owners duty to maintain that. Councilman Radeff stated if we do that then can assess the property? Law Director Graves answered I think the ordinance says yes but that would be a judgement call. Chairperson Gee asked on the issue of dead trees, is there going to be any further discussion on it? Mayor Bring answered I think we are doing the best job we can right now and we have been for the last couple of years actually. We have had numerous residents get letters and a lot of them complied and I think overall it has helped. Nothing is perfect and there is still a lot of trees but most people have complied but the others are just stubborn people that just won't do it. In the letters that have been sent out they are also notified that if the tree does fall down and does damage you now have a letter from the city stating that it is a dangerous situation. Your insurance company is not going to look on that too favorably. I think we are going to continue this process and see how it goes. **REMOVE DEAD TREES FROM AGENDA.**

CITIZENS COMMENTARY: Jim John Giancaterino, 846 Devonshire Avenue stated I am here to check on that process for selling that lot on Dorchester Avenue. I have been looking in the paper for ads because I know you said you had to advertise it and I haven't seen anything yet. Chairperson Gee advised we have it up for a second reading before Council. Law Director Graves advised Council passed that last Tuesday and now, it is just administratively getting that bid out there and we have to determine a minimum bid.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

Council#044 – SECOND READING – an ordinance amending Chapter 1101 and establishing Chapter 1103 of the codified ordinances of Sheffield Lake regarding subdivision regulations and the declaring of an emergency.

Council#045 – SECOND READING – an ordinance amending section 111.02 of the codified ordinances of Sheffield Lake regarding Investment Committee and the declaring of an emergency.

Council#046 – SECOND READING – an ordinance increasing the rate of pay for the position of Mayor of the City of Sheffield Lake and the declaring of an emergency.

Council#047 – SECOND READING – an ordinance increasing the rate of pay for the position of President of Council of the City of Sheffield Lake and the declaring of an emergency.

Council#048 – SECOND READING – an ordinance amending section 935.16 of the codified ordinances of Sheffield Lake regarding water bill payment date; surcharge; remedies for nonpayment and the declaring of an emergency.

Council#049 – SECOND READING – an ordinance repealing section 931.17 of the codified ordinances of Sheffield Lake regarding summer sanitary sewer charge reduction for noncommercial users and the declaring of an emergency.

Council#050 – SECOND READING – an ordinance amending section 1371.03 (e) of the codified ordinances of Sheffield Lake regarding sign permit fees and the declaring of an emergency.

Council#051 – SECOND READING – an ordinance amending section 129.11 of the codified ordinances of Sheffield Lake regarding minimum price for sale of city real estate; proceeds and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this committee, *Motion by Radeff/Second by Gee to adjourn at 7:37 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 October 4, 2018.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso