

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
April 2, 2019

This regular meeting of the Ordinance Committee was held Tuesday, April 2, 2019. Chairperson Gee called the meeting to order at 7:18 PM.

ROLL CALL OF MEMBERS:

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

MINUTES: March 5, 2019, *Motion by Erdei/Second by Radeff to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Gravel Driveway extensions – Chairperson Gee advised I have seen some added gravel to some. That was kind of a nice thing to see and some people have already started to bring them up to a nicer look.

International Building Code – Chairperson Gee advised anything new on that? Councilman Radeff advised yes, I told you I would take a look at that which you referenced. The thing you were looking at was if it applies to older buildings and I saw the section you referenced which says it does. So, after speaking with Building Officials in Lorain, the difference to my understanding is that Ohio doesn't regulate property maintenance. So, if you want to do property maintenance on the aspect of rubbish and paint and things like that that is why you get the International Code. Lorain has both in their ordinances, the Ohio code and then they represent the International code. That is the difference between the two is if you are going to do those types of property maintenance that is what you have the International code for. Law Director Graves stated here is how this goes, Ohio code is for residential. For existing buildings, both of those codes you cannot use them for interior to force a property owner to meet the current code unless it is a substantial hazard. As long as the property met the code at the time that the structure was built, it is going to be acceptable. The threshold and I went over this with Tom Melbar again today and Tom Carlton agrees. The threshold for a substantial hazard is very high, even things like exposed wires may not be a substantial hazard. So, you really are hamstrung to correct these interior property maintenance issues. The only way you could do that is through your own local code which we could do but that would be arduous to create our own local interior maintenance code. Or we can adopt the International Property maintenance code which is already tried and true and already exist. The problem with the International Maintenance code is that it is pretty stringent. If we are going to continue to have point of sale inspections, it can really be a hindrance to be able to sale your property. For example, if you have an older home and you are

trying to sale it and the city comes with the point of sale and under the International Maintenance code they have to meet all these things before you can sale your house which can be problematic. One way to get around that if we were to adopt the International Property Maintenance code would be to get rid of the point of sale inspections and be careful on how we apply it and basically make it complaint driven. You know if we have reason to believe that there are problems in a house, tenants or something like that say this landlord is not correcting things. Then the city could apply that to the interior but that is the crux of it. If we are going to have a point of sale inspection and then we are going to have a stringent interior property code that people are going to have to meet to sale their property, so it can be a problem. Chairperson Gee stated but if we remove the point of sale inspection, we are helping the seller but we are really hurting the buyer because they may not know what they are buying at that point. Law Director Graves stated let the buyer beware and most people who buy property, they have a property inspection. Savvy home buyers, have a home inspection before they commit hundreds of thousands of dollars. Councilperson Gee stated the VA has them also, mandatory. Law Director Graves stated point of sale inspections are kind of going out, many communities don't do them anymore. There is a federal lawsuit right now involving the City of Bedford, they are challenging the validity of them. That hasn't concluded yet, I know that the Judge did rule against... He continued you don't rule on a motion for summary or judgment which basically means the case can go forward. I talked with Tom Melbar again today, we have had this situation in town where people are in the homes without running water. Chairperson Gee advised that is what brought this up. Law Director Graves stated you know you talk to the Health Department even if there is children in there or elderly, as long as their basic needs are being met you can live in a house without water. Melbar said when he went down to his class, the state gave the exact example I used in saying that is not a substantial hazard where you would force them to get running water. So, you can live without running water. Chairperson Gee stated so even with the International, you still wouldn't have to have a sewer lines connected and running. When we were shutting off the water and we were discussing shutting off the sewer lines. This is when it started being talked about. Superintendent Hastings advised the sewer has to be connected by ordinance and the water if it is adjacent to the property. Law Director Graves stated the code required the code requires if there is city water that the structure be connected to the city water but what that means is if you build a new house you have to connect to the city water. So, you can't dig a well. It does not mean that if you don't pay your bill and the city shuts your water off, we can then throw you out of your house because you didn't pay your water bill. If you are talking about not having sanitary sewer, I think that is whole other issue and that might be a health problem. After a brief discussion, *Motion by Radeff/Second by Erdei to refer the International Building Code to Worksession for further discussion and also refer point of sale as part of same. Yeas All.

NEW BUSINESS:

Pets – Chairperson Gee advised dogs are under kennel, not residential friendly. Law Director Graves concurred we can do that. *Motion by Radeff/Second by Gee to have the Law Director draw up legislation for change in 505.20 for next Ordinance meeting.

Sidewalks, 521.06 – Chairperson Gee advised this is where the residents with the way it is reading they are thinking that it is Council's position to have everybody come before us wanting their driveways shoveled and the neighbors walkways shoveled. Law Director Graves explained the way I read this and I actually wouldn't recommend any changes to it is like any other situation. The administration handles the day to day operations and going-on's in the city and that includes exterior maintenance, property maintenance, sidewalks and anything like that. So, if there are complaints, I see this as no different then any other property maintenance or nuisance issue. It would come to administration first and they would attempt to resolve the situation. We send letters and put the homeowners on notice that they need to correct this problem. What this language in 521.06 means is that it creates a process that the city could abate the problem with the authorization from Council and then proceed to put the cost of that abatement on the property owner as a lien with the authorization of Council. So, when it is talking about Council what they are talking about the legislation body authorizing the administration to take those actions. So, anything that we do such as take down trees or board up a house, we would have to have authorization from Council to put a lien on the property which is the cost of that service. **REMOVE.**

903.06 sidewalk escrow – Chairperson Gee advised Rocky had brought a question about escrow at the last meeting. Law Director Graves stated I don't think we are having any problem with that. Mayor Bring stated not that I am aware of but we still have money in escrow right? Superintendent Hastings answered yes, about \$52,000 and I believe our Building Department just went around and assessed what projects were done and what still need done. Kelsey, the administrative assistant, categorized everything and where the money is designated for. That is something that is a work in progress as of late. Chairperson Gee asked the \$4.00 fee is still sufficient? Superintendent Hastings answered no, that is not sufficient. We talked briefly about putting it out for public bid but it was deemed that the cost would never really approach \$50,000. He explained my idea was that if we had an amount of sidewalks excess of the threshold of public bidding that I would throw it on the annual bid. But we would just never approach that dollar amount. Mayor Bring explained the discussion of ideas so that our guys wouldn't have to go out and get it done. Chairperson Gee asked does anybody still put money in escrow. Superintendent Hastings answered yes. Chairperson Gee stated then maybe we need to address this \$4.00 per square foot. Superintendent Hastings concurred at current market rate. Mayor Bring advised the Building Inspector and I were talking about that and I think he was going to give me a figure. Law Director Graves asked do we do that ourselves

or do we contract it out? Superintendent Hastings answered contract it out but years ago, the city would have a specified contractor that would handle all of the business of the city but as the sidewalk need became less, exchanges became less and then it became an as needed basis. In some situations, unfortunately, this escrow; nothing was put in and still sitting in there for years. Councilman Erdei stated the owners or whoever is going to buy a place, don't you have to have the sidewalk done before they have moved in right? Law Director Graves advised or escrow, the sidewalks are tied to the point of sale inspection which is required prior to occupancy. So, anything that is revealed on the point of sale including the lack of a sidewalk which is the responsibility of both buyer and seller. We don't hold up a sale because of those problems. The buyer and seller are free to negotiate that in their purchase agreement. But whoever ends up being responsible for it, it has to be done prior to occupancy. So, the seller can as part of our deal, I will assume the cost of putting in that sidewalk but that buyer has to make sure that that is in before they occupy the property. The alternative to that is this escrow and that again can be buyer or seller as negotiated. I thought in the past that it would build up over the years as property sold or whatever and then the city would bid it out or gets quotes and do them all at once and get a decent rate because we are getting a lot of them done at once. But maybe that is not the case anymore. Superintendent Hastings advised no it is not and that is really what faltered the system. The fact that there are a lot of sidewalks in place now and the exchange of property didn't have that criteria with it. Chairperson Gee asked so basically this really needs to be raised, the sum of \$4.00? Superintendent Hastings answered yes, I personally think there should be no dollar amount and that way it would stand the test of time. I would put it at market rate. Chairperson Gee advised that is a very good suggestion. That way this does not have to end up short changing the future in having to be redone. Law Director Graves advised I think that has to be a straight fee. Superintendent Hastings concurred that is right because they have to put a dollar amount. Mayor Bring advised let me talk to the Building Inspector and see if we can get some current cost and we will get back to you on that. **LEAVE ON AGENDA.**

Superintendent Hastings advised I do have some rapid developments and again I haven't had the opportunity with both the Mayor and Law Director. One just came late today where it says substantial legislation concerning SR301, I just got an email and will have to talk with David. It has to be approved by the City Council, it is in great detail of 10 or 11 pages as they gave us our final number today. Again, I haven't told the Mayor and I am not very happy about. The second one is a CDBG funding, we will need a resolution approved to apply for a grant which I mentioned at last nights meeting concerning water lines and road restoration on Community. So, I am hoping to have all of that in front of you by next Council with David's schedule allows. Mayor Bring advised going back to animals, I think as we get more and more poultry in here and everything else and I don't know if you guys want to think about this but regulating the amount of chickens, ducks, geese, etc. Maybe you would want

to look at that ordinance again and tweak that. Chairperson Gee advised that is something that we should add to the agenda. I am hearing a lot of complaints from residents about neighbors with roosters. Mayor Bring advised we have quite a few of those right now. Law Director Graves stated if it is a rooster and I didn't know we were having complaints about roosters, that could fall under the unreasonable animal noise and we have used that in the past. He advised we do have an unreasonable noise ordinance. It used to be the barking dog and we changed that to unreasonable animal noise. Chickens are one thing but if you got a rooster crowing all the time. Chairperson Gee stated I think we need a poultry ordinance. Mayor Bring advised even like the chickens, are two chickens not enough or are eighteen too many. I think we should start looking at that because honestly, I don't have a problem with that as long as everything is kept up well. It is just like everything else, everybody takes advantage of it because we have had a couple of them now that I have seen that is in excess of what I believe should be in the city. Chairperson Gee advised even chicken farms and chicken ranches have a limitation of how many can be on a quarter acre. So, if you break that down to a back yard, that is less than 10. I know we have places with far more than that in Sheffield Lake. Law Director Graves advised in the past, we have relied on the secondary effects. In other words we say okay, you can have these animals/fowl/poultry in your yard but they can't be a nuisance. You can't have unreasonable animal noise, you can't have unreasonable animal odor, you have to have proper chicken coups/pens or housing for them and it has to be so many feet from wherever. If you meet all of that then it was alright. I will tell you right now, the individual that I am currently prosecuting that has a lot of everything; turkeys, chickens, ducks and geese. The problem that I am having is I got a letter in the file from the Health Inspector and said that he went out there and didn't see any problem. He didn't smell any offensive odors, didn't hear any offensive noise, that everything is fine. He doesn't consider them a nuisance and that is from a county official. These inspectors are all people who are sympathetic to a lot of stuff. It makes it difficult to show that it is a nuisance. Mayor Bring advised I just think there should be some kind of limitations/regulations on quantity. Chairperson Gee advised if we set limitations on the amount then we don't have to worry about what the health department is saying. We have a limit on dogs and we have a limit of cats. Law Director Graves referenced case in Amherst for a man cited for many chickens. **ADD LIMITS ON POULTRY WITHIN CITY LIMITS.**

CITIZENS COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

Chairperson Gee reviewed with the Committee:

Council#014 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

Chairperson Gee advised we also are aware that the Mayor, Superintendent and Law Director may be bringing some other ordinances.

MEETING ADJOURNED: With no further business before this committee, *Motion by Erdei/Second by Radeff to adjourn at 7:46 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 2, 2019.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso