

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
January 3, 2019

This regular meeting of the Ordinance Committee was held Thursday, January 3, 2019. Chairperson Gee called the meeting to order at 7:24 PM.

ROLL CALL OF MEMBERS:

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

MINUTES: November 1, 2018, *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 due to change in our Building Department and the time of season we will leave on agenda.

International Building Code – Chairperson Gee advised June 7, 2018 and July 10, 2018 were the two times that we had a lengthy discussion on this issue. On September 6, 2018 our Law Director stated that there was going to be an organizational meeting the following day and that he would get back to us with any results from that. There really hasn't been anything since then and considering the city is using the Ohio Building code already. I wanted to hear everyone's opinion on that because maybe we might consider moving it off the agenda if there is no just reason to keep it on. Councilman Radeff answered I would like to look into it more because Lorain uses it. It is very helpful, I mean exactly what the Mayor has spoken before of finding ways to encourage people to keep their houses. I know recently I have had a lot of different calls about neighbor's houses and things like that and obviously we want to be like Lorain but there are some houses that are really bad. I have seen one with just a stick holding up the porch and things like that. I understand that people want to build things but on the way, you want to encourage them to keep their house up. So, this is something that I wouldn't mind looking into more, especially if we could get building to come in. I don't know what we have right now. I have talked to David about who you can and cannot cite, you know can you cite the resident for basic stuff outside because that seems to be the issue of not finding the actual owner, so can you put the pressure on the occupant. Chairperson Gee advised I thought Lorain used the Ohio Building code? Councilman Radeff stated we use International. Councilman Erdei stated a lot of that is covered under our code anyway for building anything that looks unsafe or unpresentable. Law Director Graves explained when you are talking about exterior property maintenance the Residential code of Ohio or the commercial, the Ohio Building code is adequate. The problem comes in when you are talking about interior and yes, we have a point of sale inspection and we have some general guidelines in our ordinances but nothing

real specific as far as statutory authority, if the Inspector sees something that doesn't look right. The Residential Code of Ohio as far as interior, to my understanding that only applies to new construction. So, in order to have any teeth when we do these interior inspections, most of the time point of sale. Or with these commercial inspections with the businesses and everything, with the rentals. The International Maintenance code is specific, it would be applicable there. When you talk to these inspectors, they are really hesitant to point out things or cite things without having some authority to put their finger on. A lot of the local ordinances are vague and they can say well, in my experience and knowledge that is not a safe situation, so you got to fix that. But you don't have a specific code to point to and that is where the International Building code would fill in that gap. It can be strict, the guidelines in there are strict and a lot of the more urban areas use it. So, it has its plus and minus's I guess. Chairperson Gee asked why doesn't the Ohio Building Code handle that because I was really led to believe that it does? Law Director Graves advised you have two building codes, the Ohio Basic Building Code which is commercial and then the Residential Code of Ohio which is residential and it applies to exterior. So, if there is an exterior situation – yea, there you go but as far as interior and maybe the Mayor can speak on this, it only applies to new construction. So, if you go into an older home you can't point to a section of the Residential Code of Ohio and say it doesn't meet that. Chairperson Gee asked but didn't they just change to the 2017 this year in 2019? Law Director Graves answered right, that is for new construction. Chairperson Gee asked only new construction? Law Director Graves answered yes. Councilman Erdei stated as the Mayor, are you looking at putting a little paragraph in that we have the authority to enforce interior? Mayor Bring advised we used our regular ordinances years ago and then we adopted Ohio Revised code but in certain circumstances when you get into commercial applications and stuff, if you don't have the right wording they will contest it. As far as residential and stuff, you find most of those people will not contest that. But in commercial applications where they have attorneys that are on board with them, they will contest that if it is not properly permitted. If we do issue a citation that is not proper, they are going to contest it. That is why I think that and it is not a large book either, I think the book itself is rather small. I know that in Lorain, that they have more issues with buildings. Just because it is on there too doesn't mean that we have to be that strict. We can use common sense when we do this stuff. I still think it is a good idea. Chairperson Gee stated well, we haven't moved forward on this whole time. It is like a dead duck in the water. Mayor Bring stated because we were trying to get more information on it. Law Director Graves added we just went through a major transition in the Building Department. That is what happened, this issue came to light the last couple months of SAFEbuilt and then we said well, it really doesn't make sense now but now we have the in-house department up and running so perhaps it is time to go back and visit it. But in the conversations that I have had with Tom Carleton, our Chief Building Official and Jeff Fillar before with SAFEbuilt, they say the same thing that

if you really want to have code to point to for interior, you really want to have the International Building Code. Mayor Bring stated probably what has happened in the past, just like I said when the city used their own ordinances years and years ago that went well for a while. We found out that that wasn't enough so we adopted the Ohio Revised Code like everybody else did to kind of cover everybody's but so to speak. But now that that has been in place and I am sure that things have been contested but now this has come out so now that is why they have adopted this. It is only to protect the city and the Building Inspector's can do their jobs properly. Chairperson Gee stated maybe we can get more information before the next meeting. Mayor Bring stated we have the book I think. Chairperson Gee answered no, that was SAFEbuilt's and I assume they took it with them. Mayor Bring advised we can get one. Law Director Graves answered I think it is \$17.00 or something. Chairperson Gee advised it is \$37.00. Councilman Radeff stated I read it a couple of months ago and it is not a long read. Mayor Bring stated I believe we did ask Mr. Carlton to speak on it and he said he would be more than glad to do that. We could probably do that at a Worksession versus this committee. Chairperson Gee stated I spoke with the Building Inspector today and he said that the new one that is coming out, Ohio Building Code 2017 that takes effect in 2019 if following more strictly with the International Code and but I did not ask him about interior. Law Director Graves stated the key point is can you apply those code requirements to existing or is it only for new construction. My understanding is based on my conversations with Carlton and Fillar is that that is only for new construction. So, if you are going to build a house then you have to meet that but if you go into one of our older homes there is no specific code that you can put your finger on. They have to do it under our ordinance which is just basically in the opinion of the Building Official it is not a safe situation but they get leery on that and if they get challenged, they really need a code to point to. Chairperson Gee asked didn't we originally, when we first started talking about this, wasn't it originally due to the fact of some of the conditions in some of the apartment buildings? Mayor Bring answered that was one of the aspects but there are more buildings and other things we could use that for. That was something that was a strong issue. Fortunately, we have had new ownership and have been upgraded. We still need that. Law Director Graves stated we have a few situations in town where unfortunately families are living inside dwellings that are not very well kept. There is really not a whole lot that we can do about it. So, as long as there are children whose basic needs are being met, so long as there is not abuse or neglect or an elderly person, if people want to live in a home where there is not running water. If people want to live in a home without other basic amenities, they can do so and there is people who do. There is really not a code that we can point to. So, that was one of the driving forces. Councilman Radeff stated I would just look forward to seeing a presentation of some sort.

NEW BUSINESS:

Chairperson Gee asked David, are we going to be looking into any ordinances for rezoning? We discussed that way back in 2012 and Rocky was reporting from Zoning a couple of years. Chairperson Gee recalled January 19, 2012, David had talked about the zoning and then we move up to February 2013 and it was talked about some more and then February 17, 2016 is when Rocky spoke about it. Are we going to be doing anymore on that? Law Director Graves stated I am not sure what you are talking about. Chairperson Gee advised the Zoning Board was supposed to bring something back to Ordinance on their recommendations for Zoning. All I am doing is cleaning up last years unfinished business. Law Director Graves stated the Zoning Board as of late has had discussions about making recommendations/changes to the Zoning code. Those discussions are very preliminary in nature and are not very specific. It is really not the role of the Zoning Board of Appeals to make recommendations to change the zoning in ordinances. I attended the meeting and kind of explained that. If the Zoning Board of Appeals is seeing cases coming before that Board for variances repeatedly, they could recommend perhaps a change because if they are consistently giving some type of variance perhaps the code should be changed and that did occur in regard to being able to build on landlocked 70-foot lots. But Council rejected that and said that we prefer that those matters still go on a case by case basis to the Zoning Board of Appeals for review of a frontage variance. Councilman Radeff stated that was previous Council. Law Director Graves stated that was a long time ago, that was 2006 or 2007. Chairperson Gee stated spot zoning is what I am speaking on. The spot zoning for residential and business, residential 1 and 2, business 1 and 2 and cleaning the spot zoning up. Law Director Graves advised back in 2004 or 2005 the Planning Commission spent a long time going through the city zoning study and making recommendations throughout the city where they felt that zoning should be changed. A number of those proposals were brought to Council and advanced somewhat but for whatever reason never were brought to completion. It has been many years and I don't recall why Council chose not to move on them but just like we are doing now with the proposed rezoning for the storage condo's. You are all aware now of the process, it requires a lot you know; it requires 3 pieces of legislation, review by Planning Commission and a public hearing and you start with the first 2 resolutions, one referring it to Planning Commission and the other setting the public hearing giving Planning Commission 90 days for their review. Then after that then there is a public hearing and then there is a separate ordinance to actually rezoning the area. So, there were a number of recommendations throughout the city. Chairperson Gee asked so basically it is still way far away from ever coming into this Board right? Law Director Graves answered yes. I think if there is any specific zoning issues we should address them individually, if there is an area that really doesn't make sense to be zoned this way then we can do that but notice has to go out to all of the adjoining property owners and when you unilaterally zone property you got to be careful that you are not causing any depreciation in value to the neighboring

parcels. At some point our overall zoning code has never really been overhauled since its inception. It has had pieces here, pieces there and sometimes a chapter or section got changed and other sections didn't get changed that might be inconsistent and I have gotten used to working with it. I pretty much know where things are but it is very difficult to navigate for someone that doesn't work with that zoning code every day. So, at some point the city should probably consider a complete rewrite or the planning and zoning code but that is no easy task and usually you would engage the services of an outside consultant to assist with that. Councilman Radeff stated right now the Zoning Board is not concerned with rezoning areas as more as with switching setbacks and things like that for specific areas. Those are the kind of recommendations that they were concerned with. You know with setbacks, well can you put a garage here and those are the kind of things that they are more concerned about as of today as opposed to rezone. Chairperson Gee advised in February of 2016 they were talking about looking at being more business friendly, that is why I was wondering if they had moved any further on this. Law Director Graves stated those really are topics that are more suited to Planning Commission then the Zoning Board of Appeals. Chairperson Gee advised the minutes I have here are Planning and Zoning both seem to be working on it. So, I was wondering if there was anything close to coming to this Board. I didn't mean for it to become a lengthy conversation. Law Director Graves stated they will have some in the draft Master Plan should be coming soon and I am sure that they will have some suggestions in there as far as going forward with business.

CITIZENS COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Radeff to adjourn at 7:43 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 January 3, 2019.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso