

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
April 16, 2019**

The regular meeting of the City Council Worksession was held Tuesday, April 16, 2019. President Rosso called the meeting to order at 7:03 PM.

ROLL CALL OF MEMBERS:

Present: President Rosso, Kovach, Erdei, Radeff, Cizl, Gee, Mayor Bring,
Law Director Graves, Superintendent Hastings

Absent: Stark and Wtulich, Finance Director Smith (excused)

Attending: Concerned citizens, Members of the Media

PRESENTATIONS: None.

*******COMMITTEES*******

ROADS & DRAINS: Chairman Cizl advised probably looking at rescheduling next month's meeting one week later. President Rosso advised so it would be May 13th.
SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT:

None./ORDINANCE: Chairperson Gee advised we were going to see how everybody felt about the International Building Code. Our Law Director feels that the city needs to adopt the International Building Code and remember we had that presentation that was here a while back a few months ago to bring it up to Council. We took it back to Ordinance Committee and now bringing it back to Worksession. If we do adopt the International Building Code, we are going to have to consider ending point of sale inspection. If we would adopt it, it is much more stringent than what we have currently, the Ohio Building Code. If we do adopt the International Building Code, we are going to have to consider ending the point of sale inspections because the International Building Code is so strict that most of the homes won't pass the point of sale inspections in that case. Also, if we go with the International Building Code, it is not going to change residents not having running water or not having a flushable toilets. That is not going to change that but at the same time though it is a much more stringent code. So, what our Law Director suggested is that we use it and instead of enforcing it instantly on everyone, what we would do is wait until there is a complaint made and do it more that way. All of that I have concerns with, I do understand the importance of having a stronger code but the International Building Code, I have issues with it. Councilman Cizl asked how do the other cities handle it in our area and what does Tom Melbar have to say about it since he is the Building Inspector? Law Director Graves advised I don't think anybody is taking a position one way or the other whether or not we should adopt the International Property Maintenance Code. We

have just been more or less providing background information, pros and cons of having it versus not having it. The situation is that both the residential code of Ohio and the Ohio Building Code, that is residential and the Ohio would be for commercial structures. You can't make existing structures and this is only for interior, we can always do exterior maintenance. So, you can't make existing structures meet current code, you can make sure that they are meeting the code that was in place at the time that they were constructed. The only exception to that is a serious hazard and the standard for a serious hazard is very high. In conversations with Melbar and Tom Carlton, a lot of things that you might think are serious hazards are not really serious hazards. So that is where we are, we can't impose a code on these structures if they think there is some problems inside, there really is no code to point to. Now, we have two options; we could adopt our own code, actually sit down and write a local interior building code but that would be very difficult. So, there is the International Building Code and if that were adopted we could apply that to current structures and make them meet that code now. So, that would allow us the authority to correct some of these interior problems. The communities that have the International Property Maintenance Code by in large have gotten away from the point of sale inspection. The reason being if you have a point of sale inspection and you have the International Property Maintenance Code before the property can transfer they have to meet this code. Sometimes, if they are older homes, you are talking tens of thousands of dollars which really can hinder the ability to sell property. I don't want to buy this property if I have to put all this money into it. So, what Carlton said was if you are going to adopt the International you should probably consider getting rid of the point of sale inspection and apply it on a complaint driven basis. You know, if we have reason to believe that there are code violations in a home, go in and ask to inspect or get the administrative search warrant. He concluded that is kind of where it all is. As Councilperson Gee pointed out was the issue of running water, now I think if there is not a functioning sewer that might be a different issue. That could be a health and sanitary issue that I think that we probably could require that. But as far as running water, you can't require it. Under the residential code of Ohio and the Ohio Building Code there are plumbing provisions that require any structure that has city water available be tied into that city water. You have to be tied into city water but applies to new construction. So, basically if you are going to build a house, you can't say I will just have a well. You have to tie into city water. Tom Melbar said when he went down to his class in Columbus that they actually used the lack of running water as an example of something that doesn't qualify as a serious hazard. We have had a few in town and we have tried different routes and contacted the Board of Health and things like that and their position is so long as; if there is children or elderly, as long as basic needs are being met then there is not a problem. So, they can get

bottled water, they can get rain barrels and use buckets of water to flush the toilets and things like that. But if someone has not paid their water bill and that results in their water being shutoff and in some cases, removal of the meter. We can't make them move or make them pay their water bill. So, there is definitely pros and cons to the International Property Maintenance Code and it would just give us some teeth if we wanted to crack down on some of the interior violations. There are some drawbacks to it as well. Councilman Radeff stated we use it in Lorain and I work with it a lot and in speaking with the Head of the Housing Department, my understanding too is that they use the International Building Code, they also have made separate codes for specific instances which you can do and they also use part of the Ohio Building Code. My understanding is the reason to use the International Building Code is because Ohio Code doesn't really do property maintenance, like exterior stuff. It is not as astringent, he said Ohio doesn't really care about those aspects. In the end if you use it, it will help with the exterior aspects if that is something that we want to look into later down the road but again we don't have to because it is up to you to enforce it. President Rosso stated my concern is to have a code that says this is what you have to do and then not enforce it then why even have it. I am not big on selective enforcement. Law Director Graves explained the point of sale are kind of under scrutiny right now which lines up with the rental inspections and warrantless searches which is now being challenged in Bedford right now. We are waiting to see how that case law plays out. He asked Lorain still has point of sale? Councilman Radeff answered yes. Law Director Graves clarified it has caused a few problems, I know someone who bought a structure and before he was going to be able to occupy it he was going to have to spend \$20,000 bringing it up to code and he elected simply to demolish it and now it is a vacant lot. Councilperson Gee advised a lot of homes that were built in the 1960's, don't pass the International Building Code and that is a huge percentage. I concur with President Rosso in the fact of I am not in favor of an ordinance that we can use or when we want to. That is not setting a good example. Councilman Radeff advised Lorain uses it as their way of getting collapsed porches and things like that up to code. Not so much interior but exterior, shingles and so on. Law Director Graves advised we have a pretty good local exterior property maintenance code under Chapter 1395 which we have been able to use effectively for exterior. There was a brief discussion on situations in the city with interior issues including rentals but have since been bought and issues resolved. Law Director Graves pointed out GFI's, that prior to 1971 and there has been no modifications then you can't make them do it and HUD homes are the exception. Also, there is a distinction between selective enforcement, when we want to versus having probable cause to search or inspect or cite a violation. I am not suggesting that we pick and choose who you enforce it on. If we did away with the point of sale, we would just have to have

reasonable grounds or probable cause to do an inspection. Councilperson Gee advised that Law Director had explained if we don't go with the International Building Code, that the only alternative would be to do our own local code. She reiterated I don't see why we can't just do our own local code on that one issue instead of adopting this for everything. President Rosso asked when you say the one issue, what issue are you talking about? Councilperson Gee advised on the one he keeps bringing up about wanting to go in if there is a concern. President Rosso stated I don't think we can just have a blanket that we can go in your house. Councilperson Gee explained instead of us adopting the International Code, couldn't our own city code be drawn up to cover what concerns we are afraid of. There was a brief discussion and advised for further review. Mayor Bring advised there is stuff like that if we would ever sell Shoreway Shopping Center and there are things that need to be corrected. We would have plenty of advance notice that we could make the change before that. **FINANCE: None./PARK BOARD: None.**

*****ADMINISTRATIVE*****

MAYOR: Mayor Bring advised we did have the Police come in Monday where they were fitted for their bullet proof vest so we will be moving forward with that grant. He continued as you know we have been dumping a lot of dirt at Warren Guenther Park and Pat was there the other day. We now have about 50 X 500 feet wide there and Ferndale is filled up. We can get rid of concrete, asphalt, we can get rid of a lot of things but dirt we can't. So, we have a lot of projects coming up so we are going to have to look for a new place. The last thing we want to do is a long term trucking to bringing it out of the city because that will cost man hours and fuel costs. We will be looking at another site to put dirt. There was a brief recall on past projects and relocating of dirt. Councilman Erdei asked if someone had their own truck, could they go and get some? Mayor Bring answered not sure about how you would get it and don't want a mess. **SUPERINTENDENT:** Superintendent Hastings advised Community Center has a final walkthrough this Thursday and it is about 99% complete there. They have to trim the roof membrane and cap all that. We still have to do some modification to the turnaround for the road access which was compromised by the extension. Most likely will incorporate some concrete over there and re-fence in the dumpsters in that area. I have a meeting on Thursday on the sewer project in Ward 4 and that will kick off officially. We have the legislation that you passed and the funding in place going to ODOT next week for 301. I have the grant ready for Community Road for new water line and new road, shared bike land and that is coming in at about \$356,000. By the end of the month, I will have the TLCI grant programmed into the ODOT system. I wanted to mention finally that I facilitated some meetings with the Mayor and Law Director and Republic and they have been putting together some numbers for the city. I think it is in response to Avon Lake's recent contract with Kimball and so I think

the Administration will be bringing some favorable numbers, as well as the term. The key point to me is the yard waste issue with Kurt's Brothers which is where Republic takes it now and they are being phased out of being able to dump there as well as us quite frankly. We were turned away recently so, we have instituted a road side chipping program, a road side leaf program and to help with yard waste generated from our properties and the leaf program was all we could handle this year because it is one truck, one crew and one trailer. So, we have been strategizing on how to get another piece of equipment to pick up leaves to keep up with this demand. The best option out there is a single man operation, it is truck mounted dual steering wheel and we would like to present its financing opportunity in line with the refuge contract which it may be presented. Again, it is to combat the loss of yard waste which is forthcoming. After this year, they are going to be putting it in the landfill and I have a strong inclination that they are going to try to phase it out. So, it is something that is in the works and I think it could be presented in a month or so. President Rosso asked what about the chipping of the branches? Superintendent Hastings answered another yard waste, yard debris program that they take directly to Kurt's Brothers. So, we have incorporated a curb side service where we come and chip the brush at your property, bundling and such. President Rosso asked we do that now? Superintendent Hastings answered absolutely. Mayor Bring advised you call and setup an appointment. The Village of Sheffield will go out every Tuesday and pick up brush. We do not have an established program as I do not want them driving around aimlessly, so what we did was work with property maintenance, have their number out and advertise to call us. We affirm all your branches should be facing the same direction, don't block the street and we will be there in 48 hours and it has worked out good. Mayor Bring advised as we have talked about we are trying to bring back the services that have been long lost. The leaves are still going to be able to go over the Kurt's Brothers from the city over to there. But the biggest thing is grass which people put in those bags and that is what is creating a smell and the EPA is cracking down on. But for us to keep these leaves out of these drains which we were just doing the other day, we vacuumed out quite a few things and people were calling and thanking us so we need to continue this for our own purpose of controlling the flooding. Superintendent Hastings advised we have been working with the Day Ditch and the \$450,000 grant which I had submitted back in 2018 and waited a terrible amount of time and was getting nervous for them to send a contract for the Mayor to sign. Their holdup was with the Department of Real Estate which requires that if you are going to send public funds to anything that you have to have an interest in the property or an easement. That was in question so I sat with David who took ownership of the entire problem and did a lot of leg work and found the easements that were otherwise missed by our

engineering review. So, we are pretty much confirmed from the railroad tracks through Forestlawn Avenue and we hope to excavate all of that, reset the grade and put a rock lined channel up so all of those trees and everything is gone. We hope to repair the head wall at Forestlawn Ditch, maybe ever lower it a little bit. So that we can regrade out heading up the Metro Parks and there is also fencing, head walls and such in the neighborhoods themselves which are very dated and very dangerous. So, all of that is coming together. A lot of gratitude to David for doing the leg work. It as a problem because every single parcel is different. That State said hey, just go in and get a blanket easement recorded. Well, unfortunately it is all over the board and we went back to the 1890's. Actually, I was trying to trick them into believing it was a natural waterway in its creation but they didn't buy it. Law Director Graves shared it actually is on the original plat maps from the 1890's of the original Sheffield Township, you can see that Day Ditch running through those old farm properties. Councilman Erdei asked how is our Boat Ramp digging going? Mayor Bring answered it is either finished or 99% finished, extra sand is going along the beach. Superintendent Hastings explained it is so much cleaner, more money but cleaner/**FINANCE DIRECTOR: None./LAW DIRECTOR: None./COMMUNICATIONS: None./OLD BUSINESS: None.**
NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS: Councils Agenda – None.

*Motion by Kovach/Second by Gee to go into executive session for the discussion of the hiring of a public employee.

ROLL CALL TO GO TO EXECUTIVE SESSION: Yeas All – Gee, Kovach, Cizl, Erdei, Radeff.

*Motion by Kovach/Second by Gee to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Radeff, Erdei, Cizl, Kovach, Gee.

Law Director Graves advised let the record reflect the City Council of Sheffield Lake, Ohio did adjourn to executive session for the discussion of the appointment of a public official.

MEETING ADJOURNED: With no further business before this council, Motion By Kovach/Second by Erdei to adjourn at 7:43 pm. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held 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 offices.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of WORKSESSION of April 16, 2019.

MAYOR

Dennis Bring

COUNCIL PRESIDENT

Rick Rosso