

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
January 15, 2019**

The regular meeting of the City Council Worksession was held Tuesday, January 15, 2019. President Rosso called the meeting to order at 7:06 PM.

ROLL CALL OF MEMBERS:

Present: President Rosso, Stark, Wtulich, Kovach, Erdei, Radeff, Gee, Mayor Bring, Finance Director Smith, Law Director Graves, Superintendent Hastings, City of Sheffield Lake Building Department Inspectors; Thomas Melbar, Thomas Carleton, Timothy Golden
Absent: Cizl (excused)

PRESENTATIONS:

President Rosso advised for those of you that know where the Custis Insurance Building is on Lake Road next to Subway, there is 2-story gray house and then there is the old drive-thru and that whole area is B-1. This young lady would like to purchase that house but because it is in an area that is now B-1, it is considered existing non-conforming. That area was rezoned in 1968 and in 1971 the Council at that time passed an ordinance that said if you are non-conforming and your building gets damaged by more than 30% to rebuild you have to conform to the current zone. Now, we are in a situation where her bank, insurance said we are not going to loan you the money or insure a building that if it gets more than 30% damage, we are going to lose our money. I wanted her to have the opportunity to talk and then we can talk about possible options if any.

Jennifer Hart, 1297 Burchview Drive, Vermilion thanked Council and Administration for allowing her to come before them and speak. She also thanked Law Director Graves for taking her calls. She continued I have been looking for a place to call my home forever it seems like, 4 or 5 years because I just moved here from South Padre Island, Texas where I lived for 14 years. I was born and raised in Lakewood and in order to move here I found this house in Vermilion which was never really home to me and I started looking again when I came upon this house on Lake Road and I fell in love with it even before I saw the inside. When I went inside and felt a connection and it feels like it is a part of you already, that is how I felt about this house. It has been there forever, I think even before the City of Sheffield Lake was incorporated, it was built in 1900 being residential and has a history and it would be ashamed to let it sit empty and let it become dilapidated. President Rosso advised the options would be, he can't sell it unless they sale it straight cash and it is probably going to sit empty unless a develop or someone comes in and wants to use it as a business. Councilman Erdei asked couldn't they

apply for historical. President Rosso advised I think it is a zoning thing. Councilman Radeff asked let's just say that this goes on for years, at what point does this become a statutory taking? Law Director Graves advised any type of argument like that, like an inverse condemnation and/or taking that is needed to be made back in 1968 when the city rezoned the property. I don't know what the discussion was at that time, I don't know if the current homeowners over there were compensated or if they objected in any way but any opportunity to object to the zoning has long since passed. There was discussion with Ms. Hart on clarification of it must be a residential loan to be insured via the bank and what several options. Mayor Bring advised in discussions with the Law Director, possibly a mixed use but that would still be a business zone. Law Director Graves answered right and also if it sits vacant for more than 2 years it is going to lose its non-conforming status. The options as I see them are limited and Council could start the process to rezone this particular parcel, single family residential. That process as Council is well aware takes four months approximately. Also, it would be spot zoning which is not ideal, rezoning is supposed to be part of a comprehensive district/not singling parcels within a business district for rezoning. So, that is an option that you could do. If it did burn down and she could get it, she could apply for a variance and it would be a use variance but she could apply. We cannot guarantee that variance ahead of time. These variances are granted by the Zoning Board of Appeals on a case by case basis and she would have to prove her case and as a use variance she would have to prove unnecessary hardship by clear and convincing evidence at that time. The chances are Zoning Board could look favorably on it but we cannot guarantee a variance ahead of time. You could also amend the '71 ordinance where it talks about damage beyond 30% but my understanding her lender and insurance aren't going to accept anything less than 100%. So, even if Council were to say we will relax that standard and let's say if it was damaged more than 75% to comply with current zoning but I don't think that would get you where you need to be. I think the bank is going to say if it is completely destroyed, we want to guarantee's that she could completely rebuild. In terms of revisiting that ordinance, I think that if it is completely destroyed you could rebuild it. Councilman Radeff asked could we make it a permitted use zone, where it says typically you can't have a bar in it but if it is connected to this then they can have it so if the house is X amount of years old it could be permitted to stay within the zone? Law Director Graves advised I don't know, you could at doing something creative like that. President Rosso asked what defines a business? Law Director Graves advised uses spelled out in code. Ms. Hart advised since back in 1968, it really hasn't been used as a business and hasn't generated any cash or business nor benefited the residents in Sheffield Lake just as the closed down drive-thru next to it and so it has not generated any cash and is still listed as a

business. If it were residential, the utilities would still be getting paid. If he is paying tax, he would be paying tax. Councilperson Gee asked grandfathered in maybe? Law Director Graves advised I suppose she could apply for a use variance now, you could take it to Zoning Board and see if you could get a use variance now to allow this to continue. The problem with granting a use variance though is that would run with the land and there would always be allowed to have a single family home there, if that is what Council wants to do. Councilperson Stark asked say someone sells LaLa Rue out of their home and they sell it and ship it out from the house, would that be considered a business because technically you are storing the product and shipping it out from your house. Ms. Hart stated they are still not going to let me do it. Building Official Carleton advised since that has always been a residential, if you do a change of use now you end up having certain requirements that you have to such as follow ADA and there is certain area requirements like parking to unloading zones, ramps if you have an elevation, etc. You don't have to do anything to like the bathrooms and other aspects of the house as long as you don't touch them. You would have to go in Chapter 34 and take a look at that. Law Director Graves advised maybe your best option to operate under its already lost its non-conforming status and ask Zoning Board of Appeals to grant her a use variance, you would have to plead your factors and I can give you a copy of those which he reviewed which they could give her a variance to operate a residential home in a business district. Councilman Radeff stated I know that she said the owner already started to make corrections, has he already gotten to that point where he would have made it a non-conforming use. Law Director Graves answered he still has intend to use as a single-family home so it has now lost its non-conforming status. President Rosso asked if she goes in front of Zoning and they approve the use variance then is it done at that point? Law Director Graves answered yes, it is. Councilperson Gee asked if she goes before zoning like David has said, is that going to change the fact for the insurance company to be pleased with? Ms. Hart answered no. Councilperson Gee stated because the whole issue with the insurance company is the percentage that can be rebuilt. Law Director Graves stated this would take it outside, it would no longer be existing non-conforming, it would have a use variance that would run with the land that would allow a single-family home to be on that parcel. I would talk with your seller and see if you can push that closing out as you are working with the city. He reiterated the variance isn't guaranteed, the Board would have to weigh all your factors and if they deny your variance, you do have the option to appeal that to the court. There was a discussion on options/remedies for this. However, Law Director Graves advised they are not consistent with the zoning direction of the city. They decided in 1968 that that was going to be a business district, now they don't throw people out but the idea is that things that are not consistent with that zoning would be

phased out over time. The idea is that these houses would go away and it would be business district and this would be creating an exception, more or less stating this is an historical asset and should remain as a single family home there or I think that would be the thought or they might say no. However, we don't want to repeal that ordinance because there are other situations here in town where you want the current zoning. Finance Director Smith stated so you are saying that ordinance is not specific to that parcel. Law Director Graves advised no, that is a citywide ordinance like all ordinances. Councilperson Gee asked is there any way to give the ordinance some leeway in historical buildings? Law Director Graves advised I think you would to get into how you designate them as historical and what that process involves. Councilman Kovach advised I am pretty sure we couldn't do it in 90 days which her number. President Rosso advised the whole point of this was to get Council thinking, just like yesterday when I talked to David, I was 100% against it and this morning when I woke up, I said well, maybe it kind of makes sense. So, I don't everyone to jump here and have their mind made up that hey, this is a great idea, we ought to make sure that she can get that house and then walk out of here, oh wait there some reason why we did it in '68 and we really want that to be a business district. I wanted her to be able to present her situation and get everyone thinking about it and see if we could make a decision on what is best for the city; to allow it to stay the way it is, change it or whatever. Law Director Graves has to do some more investigate with options. Building Inspector Carleton suggested maybe renting with a lease purchase and maybe that would give you time because you lock it up for so long or land contract. Building Inspector Golden advised I think the best guidance you could give her is to seek legal counsel that deals in variances and then make application.

City of Sheffield Lake Building Department; Residential Building Inspector Thomas Melbar, Chief Commercial Building Officials; Thomas Carleton and Timothy Golden.

Discussion; International Code: Building Inspector Carleton advised my understanding is that you are talking about getting a property maintenance code where you could do not just exterior but possibly interior. There is a 2018 property maintenance code available through the International Code Committee which is the one that our building codes are based on in our Ohio eyes. The state wouldn't have anything to do with it, it would be under local jurisdiction entirely. There is a 2015, 2018 and you might to explore and see what the differences are but it is pretty good to go with a descriptive one especially through the ICC. There is a lot of communities that use it in Ohio and other states. You can also have Tom study for it and take the test so that he is certified which gives you extra support and backup in the case of judicial problems. It is a pretty thorough code and I would think that you guys all might want to look at it and see what it involves. I know in our

community where we tried it before, the problem comes up whenever you try to change local exterior, or even go through like a housing one like this then you have the problem where people go oh you are trying to force us out, etc. But I don't know how the community is going to react to it or not. As far as codes go, the ICC code; the exterior maintenance code is a good code. And like I said, you could have Tom certified which is good, he could get continued education on it and he would have a background in it to supplement what he already knows on exterior maintenance. President Rosso stated so this is a code that we do not have where we do not follow? Law Director Graves advised so you are talking the International Maintenance code? Building Inspector Carleton answered yes. Law Director Graves stated you mentioned exterior? Building Inspector Carleton advised it does both. President Rosso stated so this is code that we do not follow because.... Building Inspector Melbar answered because we have our own property maintenance code. President Rosso stated okay, so this would replace our current maintenance code with this. Building Inspector Melbar advised it is a little more strict. Building Inspector Carleton advised if you are ever challenged in court, you have one that is backed up and supported in multiple municipalities here locally and other states. You have a model code and it is linked to your building code too. I mean it is the same agency, although it has no bearing to it because the state runs the others. President Rosso asked what drove this to come to Worksession tonight to say hey we should consider doing this. Mayor Bring advised we had talked about going into some of the apartment buildings and stuff as we didn't have the proper codes to go in there and cite them. We had our own ordinances years ago and went to ORC (Ohio Revised Code) and now we are here talking about this International Code. It just gives us a little more power to make sure that they correct their problems. It is just like Tom says, if you don't have that and you get challenged they are going to kick it back. If you get into some of these bigger apartment buildings and stuff like that as they have attorneys and they will challenge you if they don't feel that they want to do this. We have been very fortunate lately that a couple of the nuisances have been bought and they are doing a very good job with fixing those. But again, we may end up with the situation somewhere down the line. This book is not a big book but it does help and it has been adopted by several states and everybody else. I don't know if you want to explain the ORC versus International, just a real quick difference. Building Inspector Carleton explained the ORC is just in the state and gives bearing to things like department industrial compliance, the department of commerce which the building code is under the Ohio Board of Building Standards and that gives them the power to enact and update and enforce those codes. This one is totally separate from that but what it does do is give you a model uniform code that is nationwide and at the same time it is also looked at and updated so that as

community ideas change throughout the United States. You have the opportunity of having the code cycles every 3 years. You can take a look at and say you know that got some new things in there that we are running into so maybe we want to adopt this. Like I said it also provides education for certifications for the people that are enforcing it and then you would just adopt by ordinance that this is the code that you are going to enforce for property maintenance and these are the qualifications for the people that will enforce it. It just puts you in a total stronger legal position. So, you won't get the challenges like the Mayor talked about. President Rosso stated I know you mentioned Tom could get some certifications but other than that does it force the city to have to change anything. There could be a cost involved because we now have to have something else in addition to this? If we adopt this code then all of a sudden do we say hey, now we have to spend X amount more money to be able to maintain that code or be able to enforce that code other than you have talked about education. Building Inspector Carleton answered no, it is no different than the code that you are enforcing because it has nothing to do with your Building Department certification and it is totally separate. Technically, Tom switches hats when it goes out there. In one incidence he is representing the building code and he can only enforce that, the other is the time he comes out there and he is representing the local code like he does now with the Point of Sale inspections and the housing inspections that he does. He is just doing it to your code and because it is not covered by the state, you are allowed to enforce whatever code you want, you can adopt whatever code you want and you can enforce it. You just want to have it legally on the books as far as an ordinance goes and this code just gives you a stronger presence because you can have education and certification for Tom. Instead of Tom not having that and then all of a sudden it gets challenged in court, they are not challenging the code but they are challenging the Inspector that is enforcing it because he doesn't have all of the qualifications that he could have had for it. It just makes it a strong case. President Rosso asked so it wouldn't make it any stricter on a Point of Sale on a house? Building Inspector Carleton answered it will be and that is why you are going to want to review the code and look at it because there are certain guidelines as far as HVAC, plumbing, electrical, structural conditions, the interior environment as far as what sanitary is and then it also has interior issues too. President Rosso stated we have these situations where we have these homes that are older, is it going to cause people to have to put a lot of money into it to bring it up to code, where their house has been that way for 60 years and it has been just fine. Law Director Graves stated Tom, you had mentioned some of that so maybe you could address that. Building Inspector Melbar answered I didn't have the answer to that and that was my question. Do you worry about the code from when the house was built, are you bringing it up from that? When it was remodeled do you go to that code or do you

have to bring it up to today's code? Law Director Graves stated my understanding that the benefit of this is when we do interior inspections currently and you see things that maybe are a problem under today's existing code, we really can't apply that to existing structures. All we can do is make sure that it meets the code that was in place at the time that it was constructed. So, if you have a structure that was built in 1950, it just has to meet the 1950 requirements, it doesn't have to meet today's requirements. Building Inspector Carleton stated that is in the Chapter 1 of the Building Code and just put it back up to a plan approval. Law Director Graves continued but the International Maintenance Code, when we do these interior inspections we could enforce those requirements on existing structures, is that correct? Building Inspector Carleton answered correct, you could make your own and adopt any one that you want or you could do this one which is a better one because it is a model code used elsewhere. Law Director Graves stated the problems with that is it pretty strict and it would potentially cause a lot of hardship for people trying to sale homes. Building Inspector Carleton stated well, look at this way, it is a tool. It is like you guys have an exterior maintenance code now but you have properties that are delinquent and need to be fixed up. You only deal with it on a complaint basis. So, if you have a property that is real run down, you want something strong in your tool box where you can pull and make sure they conform and you can use that. But also, if you have other structures, you are not going to be going in every house and doing this. You are just going to deal on a complaint basis. President Rosso stated as David said, on a point of sale going to be strict? Building Inspector Carleton answered if you link it to this code, it is going to be stricter. Law Director Graves advised Tom and I talked earlier about some things, problems people are having in Lorain trying to sell property where they are requiring them to escrow thousands and thousands of dollars for code violations to sale their house and people just don't have the money and it really creates a hardship to be trying to sale property. Building Inspector Carleton advised maybe you consider getting rid of your point of sale inspection and then adopting this code and just doing a maintenance of your housing stock. Then when a buyer comes in and sees it and they see like the bathroom is in bad shape and it needs to be fixed, it is going to reflect in the price and they are going to assume with what they pay for the structure and fix it. The only time you are going to get involved though is let's say they don't fix it and it gets run down and it is used as a rental and it is falling apart. Then all of a sudden the tenant calls you with a complaint, well now you can go out and examine it and you can say hey, here is our code and here is your violations – fix it and bring it up. Councilperson Gee advised I was led to believe that the Ohio Building Code uses the International Code and in Chapter 34 covers existing buildings and structures for violations. Building Inspector Carleton answered that is commercial. Councilperson Gee advised I was told that

existing buildings and structures for residential also. Building Inspector Carleton advised commercial, that is in the Ohio Building Code, it is not in the residential code of Ohio. Councilperson Gee clarified Chapter 34 because when I spoke them she said that it does cover the residential because they use the Industrial code. They just tweak it for the issues here in Ohio due to rivers and the lake and things like that. Building Inspector Carleton advise no the residential code of Ohio is what takes care of 1-2-3 families. 4 families and everything else is under the Ohio Building Code which is where Chapter 34 is but the only thing you have in the residential code is in Chapter 1 it just says that if you have violations on a house a building official can write an order and say put the house back up to the standards of what it was when the plan approval was done. For a lot of that stuff it is pretty basic, if you got broken windows while it wasn't approved in 1910 were broken windows. Roof leaks, sanitary conditions for plumbing, HVAC for heating and cooling, I don't think you would be able to do cooling because they didn't it back in those days but you would be able to do the heating and you would be able to make sure that they cleaned it up. That is all you would have until you adopt a different code. Right now, mostly the exterior maintenance and I am not sure if you guys do an interior one or you just have the point of sale. President Rosso stated I think we have an interior one. Building Inspector Melbar advised we just do the point of sale. Building Inspector Carleton advised so I mean you have a choice there, you can do them both which makes it harder when you go to sale a house or you can worry about just updating and maintaining your current housing stock and leave the point of sale out of it completely, just resend it. Then this way you would just deal with structures that had complaints on them and of course, you still have the exterior maintenance which you can do just by driving by and seeing it; high grass and things like that. A lot of it I think you guys need to look at the code and flip through it and see what you think as far as how stringent it is and then that will help guide your decision. Mayor Bring asked does that effect the electrical? Building Inspector Golden answered no, it won't affect the electrical at all. The only good thing with this code over your home rule code is this is uniformed and recognized in a lot of courts around us. I know this because I work for the City of Elyria and we have a property maintenance division and that is all they do and they go right to the courts with it. They all have it, the City of Lorain has it which I believe is where you guys go if it is not in front of the Mayor and things of this nature. It is just a uniform code and it allows, instead of hiring someone off the street and say hey, go out there and start walking around and if you see something wrong write it down. They absolutely get a professional where he becomes certified and someone that has credentials and follows a strict definition through it. Everything is spelled out and you can use it for strictly exterior maintenance. I don't think this code will cause any homeowner any

additional expense. If Tom goes to a point of sale house and there is a broken window, you got to fix the window, you have to abate the problem. He is not going to tell you that you have to put in safety glass today and he is going to tell you that you have to this or that, it has to be back to the way it was. President Rosso stated what about when a house is built in 1950 something and met the current electrical but now those standards are higher and the current code is different? So, I want to sell my house, does my house have to be rewired to meet the current? Building Inspector Golden answered absolutely not, it is existing non-conforming. Probably the only one that is not and then in a couple of years when the code changes that will be existing non-conforming, codes change all the time. President Rosso stated that was my concern, you can't sell a house until you rewire or until you re-plumb it. Not so much that something is broken but back to its original state, it doesn't have to be improved beyond that. Building Inspector Golden clarified just brought back to the original state. Councilman Radeff stated one thing that they said that I like is that it is kind of reviewed every 3 years. I mean, if Lorain is using it we may not see it for 20 year down the road because it hasn't happened here. Lorain is going to move to 500 houses for the housing code a month, so they are going to be seeing how it has an affect on all these houses. So, you could them or ask another city about how they solved it as opposed to that and the issue with Lorain is not necessarily...there is a lot of people that are very happy that they are using the code to get the exterior houses. The issue that comes with it is not the enforcement of it, it is the fine and that is a separate issue because we don't necessarily have to give people a huge fine violating. It would a warning of hey, can we get this fixed as opposed to hey, get it fixed plus you are paying \$150.00. That is where the issue comes in Lorain, the fine and not necessarily the code. Councilperson Gee stated one of our biggest issues was interior, wasn't it? Building Inspector Melbar answered no, it is exterior. Interior on as-is houses that are for sale and that was going to be my question. On a as-is house, what we would require at that point? By this book, do you pick and choose what you enforce? Building Inspector Golden answered if you have got an existing home and they are selling it and Tom goes in there and does an interior inspection, he is going to look for safety issues. Broken windows, no hand-rails going down stairways, you have a code for smoke detectors so he will look for those things, electrical panels having a cover on it, receptacles and switches, lights hanging by their wires. Those are issues that he will say, those issues have to be abated before we can allow you to go to the next step. Building Inspector Carleton added leaky plumbing, rotted furnace pipes, things like that. Just addresses the basic, obvious problems. Building Inspector Melbar advised at this point, that changes nothing as that is what I do now. Councilperson Gee stated I thought originally when we were looking that it was when people were living in homes without restrooms, without running water. That

is when we first started discussing this. Law Director Graves stated right and from what I am hearing I think that the assumption is that the city would not be doing any residential interior inspection aside from point of sale inspection at the time of sale. If the city wanted to move in the direction of where we had notice of code violation going on inside of a residential home and they don't want to let the city in, maybe we should make sure we have the statutory authority for it and go get an administrative search warrant for it. We go into that house and notice these problems and at that point we can enforce this code on existing, correct. Building Inspector Carleton answered that is correct. Law Director Graves continued that would be more or less a policy decision that the city would have to make. I think where we are getting a little confused is, Councilperson Gee is right, when we were first talking about it we had a couple of people that were living in town that were living in pretty deplorable conditions and we really didn't have anyway to address it. They are talking about only doing interior residential inspections for the point of sale. Building Inspector Carleton advised you can do complaints also. Law Director Graves continued we could also apply it to complaints also if we had reasonable cause to believe that there were code violations going on inside a dwelling. For example; no running water, unsanitary conditions, etc. Building Inspector Carleton advised so that would be for renters? Councilperson Gee stated we had a big issue and that is why it was talked about originally. Councilman Kovach stated one of the big issues was we had several homes that were being used as rooming houses. Where they had a one family house where they had 6 or 7 different entities, you know a family in each bedroom type of thing. Building Inspector Carleton advised you would have to find a way to gain access to it, either by being invited in through a complaint from someone that is in there or an administrative search warrant. Councilman Kovach advised I think with the administrative search warrant and this code, that would put teeth into it. Building Inspector Carleton concurred yes, you would have something to review it and make sure it gets up to certain standards. Councilman Wtulich clarified so the one that we can do is have an ordinance adopting the International Property Maintenance code for exterior property maintenance and for any complaints on possible interior violations. Law Director Graves advised it would apply to exterior and interior and a separate question is, how are we going to apply that? Are we going to apply just on the point of sale or apply it on complaints as well. President Rosso asked Rosa, does it give you the direction you need to keep it in Ordinance when you are ready to make the recommendation of whether or not to adopt it or not? Councilperson Gee answered yes because David said he would bring them here for us to ask questions and get their opinion and now we will go back to Ordinance with it. Mayor Bring asked say that and this is a commercial aspect but we don't know what will happen, say we sell Shoreway and there is townhouses

and several other things, would this also be in affect for that commercial? Building Inspector Carleton answered I am not sure what it says there, it might just say for residential use but there is residential use in commercial too like with the townhouses and condos and things. Like when they build condominium's and stuff, if they don't sprinkle them and use the residential exception, actually they are being built under the residential code so you would be able to utilize that for residential. As far as codes go it is probably the best one that you could go with, if you want to look it over and see if it is too strict for you but the biggest thing it is going to help David out and it will help the city out because it is a uniform code throughout the United States that a lot of places use and it is recognized and provides a level of training for individuals that enforce it. So, it gets rid of the legal rabbles that happen when you take people to court.

*****COMMITTEES*****

ROADS & DRAINS: None./SAFETY: None. /BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: None. FINANCE: None. /PARK BOARD: None.

*****ADMINISTRATIVE*****

MAYOR: None./SUPERINTENDENT: None./FINANCE DIRECTOR: None./LAW DIRECTOR: None./COMMUNICATIONS: None./OLD

BUSINESS: Review of Business Districts; B1, B2, B3 and B4/President Rosso advised everyone should have a copy of B1 through B4 zoning definitions. I wanted everyone to have this so we know what we are doing and what changing those lots on Abbe Road to B4 could mean. David correct me if I am wrong here but if we make it B4, anything that applies from B1 to B3 you could also do in B4. Law Director Graves answered yes, I believe that is correct. President Rosso stated these are just comments that I would like to share, once we rezone a parcel of land it is rezoned from that point forward. So, the minute that we rezone it the use for that land could change. So, do I think it is going to happen 100% not but you can make that B4 and a month from now somebody could open a stable there and is that going to happen – no, but we have no control that it is going to be storage units. But that is what Mr. Josh's intentions are. The other thing to remember is the impact it will have on those apartments and those duplexes are zoned B1 now. It is not just that area, I believe it is B1 through those apartments or not. I don't want to sit there another I got 15 phone calls because the light now on the outside of this building is shining in my apartment window or hey, there is traffic in and out all night long into those storage units because there are people living on both sides. Now, I know the owner of the property and I believe it is the same owner on both sides; is a Trust which is 3 brothers and none of them showed up to voice a concern. So, I don't know if they are for it or against it. But I have heard that one is

for it and one is against it. I say that which makes me a little nervous on this one, this is the same gentleman that either Dennis or David or Pat jump in here and tell me where I am wrong, that said you rededicate this road and pay the money to plat out the shopping center and I am going to buy this and put it there and we did all that and 2 months later, he said I am going to go over here and buy this plat. So, I am not saying that he is going to do that here but there is nothing that says that once we rezone it that he has got to do that. Now, any other development will have to go through Planning. I don't know David, do you think the planning approval that they actually saw his plans and that he could go forward or were they just saying that they are okay with the rezoning? Law Director Graves stated I don't think they used the best terminology but I think the intent was that they were supportive of the rezoning. President Rosso stated but if we rezone, does he have to present plans to the Planning Commission? Law Director Graves answered yes, he will, before he builds he will have to have a site plan approval. President Rosso stated I did notice in one of their meetings, he advised them that his lease plan states you cannot store dangerous materials there, my lease says you can't do this, my lease says you can't do that. There is nothing as a city that says you are violating his lease. He could turn around and say now I can change my lease to be anything. Law Director Graves stated when Planning Commission and Council approve his site plan, the plan should be very specific about what he is putting in there. As far as what types of materials can be in there, the fact that you are not allowed to operate a business; its storage only and then down the road, if the city becomes aware that something else is going on than we could enforce it that he is violating the terms of the site plan approval. President Rosso stated I think this gentleman is very sincere and wants to build those there but I would say through my time up here, someone has come up and said hey, if you just do this for me and I am going to do that and that never happens and down the road its changed. I am not saying that I am against this zoning, I'm not. I just want everyone to look farther then or we are definitely comfortable that this is going to move forward with the way we say it is and we don't think it is going to have a negative impact on the residents on either side. I believe the Framm's own both of the apartment complexes and the duplexes. Councilman Kovach advised Dennis, he already owns the land, he did right? Mayor Bring stated that doesn't make any difference. Councilman Kovach stated well, he didn't buy our land. Mayor Bring stated he bought that because it was less money and he moved down after he had asked to do several things and we did and Pat put a ton of work into it and the city incumbered some money on that. He also spent some money down there but I think he thought the process was going to take a lot less time. He is in the same situation that he would have been over there and we would have been in better shape but it is what it is. It is just like Mr. Rosso said you got to look at the aspect of how it affects the

community, what it is going to affect in the future. We are putting a brand new road in there. If that NCI puts that new building up there, that is going to be kind of a state of the art thing. You got to see if that is going to contrast with what is going in there. So, there is a lot to think about and just because somebody bought a piece of property and moved forward without getting permission, it wasn't his right. In your case, that is why you have all these members up here and you have to make a decision of what you want to do, it is real simple. President Rosso stated as Dennis said, just think about it, is all I am trying to say and that is why I wanted to give everybody all the information that there was. You can look at the difference of zoning to see what he could, once we rezone he could print his plan entirely different to the Planning Commission. He could put something different there, the odds are slim I would say. Councilperson Gee advised in our Master Plan even we have discussed wanting to be more business friendly for Sheffield Lake. We need the tax base for it for one thing, we have Lake Road and we have Lake Breeze, we have Harris and we have 301, Nobody wants business zoning on Harris or Lake Breeze as they are more residential. 301, the apartments; yes, I do know they are residential but the apartments – they have issues. I don't know if any of you have gone there to canvass or anything, they are in bad shape over there. That area is a good location for business, it is at the end of 301 and there is an easy access to other highways. If we want to be more business friendly in Sheffield Lake, that is one of the few zones that we can go to. President Rosso stated I don't disagree with that. However, don't confuse this with a business that is going to bring money into the city. There is no income tax generated from this and you can yes, the property value will be more up and their taxes go up but we get very little money back from the county on property taxes, most of it goes to the schools; a vast majority of it. Councilperson Gee stated but it might draw other businesses, cleaning up that area might actually draw other businesses. President Rosso stated where are they going to go and again, I want to agree with you we want to be business friendly but I don't people to think that these storage units are going to be any big windfall for the city, they are no income tax. Councilperson Stark stated I know we have storage condos before and we had an issue where somebody decided to sleep and do some stuff in the storage condo, we had a lovely young woman who was trying to be an entrepreneur. We already have storage condos over there and we are adding more which I am not against but we do have the right to go in there, just verifying that we can go in there and make sure that this isn't happening. To make sure that he is not going in and other people are trying to run businesses out of there. They could move in and no one know, I don't know if we have ever had problems with the other store there. Law Director Graves advised again, something like that going forward would be complaint driven and if the city got wind from someone, hey they are running a business out of the condo next to me and I don't it

then we would go over and say hey that is inconsistent with the site plan approval. Most of the people that are going to be using the condos for storage do not want the traffic and noise and other potential things that might go along with someone running a business or even potential dangerous things. I had another situation in another community we they have storage condos where they were storing a bunch of fertilizer and in the unit right next door, they were doing auto repair with blow torches and flames which easily could cause an explosion and you certainly don't want anything like that to happen. Councilperson Gee asked when he came before Planning, didn't he bring blue prints showing a water retention pond and all of that? Mayor Bring advised I think that was his prints from Pleasantview that he showed us, same thing but he didn't do an update on it. President Rosso stated again, David said he has to go back to Planning to get his site plans reviewed. Anyways, that is why I asked David to give those all to us, business districts definitions. Just giving you the tools to do your homework. Superintendent Hastings asked is this request considered spot zoning? Law Director Graves answered potentially, so it is 8 lots and it is within a business district and rezoning is supposed to be part of a comprehensive use plan where you are creating a district. You are not going from business to residential or slapping down a single parcel which is more egregious, it is within a business district you are just changing the classification in a business district and it is 8 lots. So, I guess using the word spot zoning, I guess you could make an argument both ways.

NEW BUSINESS: None.

President Rosso reviewed the legislation for Council's agenda listed below.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#1-19 – SECOND READING – an ordinance authorizing the Mayor to advertise for bids and to enter into a contract with the highest bidder for the sale of permanent parcel number 03-00-034-122-022 consisting of vacant land on Richelieu Avenue and the declaring of an emergency.

Council#2-19 – SECOND READING – an ordinance by the Council of the City of Sheffield Lake amending the zoning classification of eight lots known as permanent parcel numbers 03-00-034-110-032 through 03-00-034-110-039 located on the west side of Abbe Road from a B-1 business district to a B-4 business district.

MEETING ADJOURNED: With no further business before this council, Motion By Kovach/Second by Erdei to adjourn at 8:19 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 January 15, 2019.

MAYOR

Dennis Bring

COUNCIL PRESIDENT

Rick Rosso