

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
November 4, 2020

This regular meeting of the Ordinance Committee was held Tuesday, November 4, 2020. Chairperson Radeff called the meeting to order at 6:44 PM.

ROLL CALL OF MEMBERS:

Present: Radeff, Wtulich, Cizl, Mayor Bring, Superintendent Hastings, Law
Director Graves

Absent: None

Attending: None

MINUTES: Sept. 1, 2020 *Motion by Wtulich/Second by Cizl to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS: Law Director Graves states I have provided council with a copy of an ordinance the City of Avon Lake adopted in 2013. This was recommended by our Chief Building Official Mr. Carlton. This would require registration and standards for contractors in the city, whether commercial or residential. These would be for the specialized trades HVAC, hydronics, electrical and plumbing. They would have to be registered, have a state license and be insured/bonded, etc. I did question Mr. Melbar today on whether he believes the dollar amounts for the insurance policies and for the contractors' bond were appropriate. He replied yes. We have had a few situations where contractor work in residential homes is being done well below standard. This would prevent that from happening in the future. Mayor Bring asks the state requirement for the building standard you are recommending, what is the difference between that and having a regular license? Law Director Graves replies this would require that any contractor in those specialized fields have a valid and unexpired Ohio Construction Industry License along with insurance and bond. In talking with Mr. Melbar today, reputable contractors in these specialized trades are used to this. This is what they see throughout the various communities in which they work. Chairman Radeff states I am assuming it's not too hard to get registered with the state. Law Director Graves replies I am not sure how hard it is. I imagine there is some test you have to take. Mayor Bring states if you have a company that pulls a permit, the people that work underneath them are still able to do that work, like sub-contractors. Law Director Graves replies I asked about that. I said so if you are just putting an addition on your house and you can do the carpentry work, etc., but when it comes to the electrical and plumbing, you would have to have a state licensed contractor do that. Right now, you have people out there doing it however and you rely on the city to catch them in the inspection. This avoids all that. Chairman Radeff

asks would we keep a list? Law Director Graves replies yes. It will be \$125 annual registration fee and in addition to the insurance, for each job they would need the \$15,000 bond. Chairman Radeff asks what is the bond typically used for? Law Director Graves replies it would be kind of a guarantee that the work is going to be done correctly and if there are any damages, etc. Mayor Bring states for example, say someone is doing carpentry work on a stairwell and he falls down it, technically if you hired them through a homeowner, you are responsible for the medical bills. That is why you get someone licensed, bonded and insured, to protect yourself. Chairman Radeff asks would this be something we check when people come to get permits? What keeps you from having your uncle or whoever do it? Law Director Graves replies you are required to get a permit for these jobs, and they are going to ask who is doing the work. If it involves these specialty trades, the city will require it be done by one of the registered, licensed contractors. If not, there would be a penalty. Member Cizl asks how often do contractors come into town to do work and we catch them? I ask because they are doing work in my neighbors' basement and there is a lady from Macedonia there. They dug up the footer for the house and left it open and they can't get to the work. How often does it happen here and does this solve that problem? Mayor Bring replies we catch them quite often. That particular one we did contact the person who pulled the permit. That was an uncle that pulled the permit, someone else did the job, she gave money down and now they want the full payment before they come back. I would say we catch 80%. Law Director Graves the building inspector and mayor drive around the city a lot and if there is work being done, they will check for permits. In regard to the project you are talking about, we were asked to review that to see if there would be any criminal action. 99% of the time this will be a civil matter. It is considered negligent work, breach of contract or consumer sales practices action. From time to time we have elected to bring criminal charges. The standard I look at is if they basically did no work at all. If you gave someone a down payment and they show up once and never return, we take the position they stole your money. We have filed theft charges in those instances. *Motion by Wtulich/Second by Cizl to move this to Worksession agenda. Yeas All.

Law Director graves states in 2016 we started looking at the driveway issue. I wrote a legal opinion which is attached tonight. At that time, I looked at all the provisions in our ordinances that talked about driveways and came to an opinion and council passed legislation. The result of that legislation was that new commercial driveways can be hard surface or asphaltic material. For residential, all new construction has to be Portland cement. Recognizing that there are existing gravel or asphalt driveways in residential homes. Those could continue as non-conforming uses, but they would have to be maintained appropriately. They had to be at least 4 in. of gravel with appropriate barriers and there was supposed to be a record created of existing gravel driveways. Any additions to these existing driveways would have to be Portland cement. We did move that requirement to the building code which would enable an

applicant to seek a variance if they thought they could meet the practical difficulties factors. Previously, that language was in the utilities section which you are not allowed a variance. In regard to the parking, council amended it this year and that was to clarify that any vehicle would have to be parked on a hard surface that meets the standards of the code in front, side or rear yard. It could not be on grass. There are a large number of asphalt and gravel driveways out there. I know the zoning board has given variances allowing asphalt driveways based upon a finding of practical difficulty. Mayor Bring states Mr. Hastings printed out some examples of asphalt and concrete driveways and the different scenarios and specifications. Superintendent Hastings states the purpose of the exhibit is to expand the option to the homeowner for both concrete and asphalt. As far as gravel, we can easily add on to this exhibit if you choose. Law Director Graves says the maintenance of the gravel driveways needs to be consistent. They have to be a certain depth, with barriers and maintained. If a development came in, this could be part of the site plan requirements or part of the developer's agreement, etc. There are ways to provide for the consistency and uniformity. Member Wtulich asks does it make sense then to add the asphalt and gravel? Mayor Bring replies I think I have changed my thought process. I think we mostly want to get away from someone going to get a 5-gallon bucket of gravel and throwing it down and saying now I have a hard surface. We do have some extensions that have been poorly maintained and I have had the building inspector go around and address those. I am ok with gravel and asphalt. When there is a development though, I think those should all be the same and uniform. Member Cizl asks how do you deal with the grandfather clause? Say we pass a resolution that says concrete or asphalt and you get someone who says well I've had gravel for 20 years; how do you deal with that. Mayor Bring replies you aren't grandfathered in. Certain things like with the gravel you are, but when you do something new, it has to be up to the specs. Superintendent Hastings replies the county provides really great aerials every year so we can see existing conditions. Member Wtulich asks if we go to the asphalt and gravel and the 4 in. specs, can we go back to all the existing homes with gravel driveways and make them update to these specs? Law Director Graves asks are you talking about maintenance of existing noncompliant gravel driveways? Member Wtulich replies yes. Law Director Graves states yes, we can enforce that because it is property maintenance. It is not putting any additional requirement on them, it is not putting any undue burden, it is not saying something you installed while legal at the time has now become illegal and you have to change it. We are just saying whatever you have there has to be maintained to an appropriate community standard. Member Radeff asks if we pass something will it apply to the backyard as well? Law Director Graves replies regardless of what direction you go, in terms of allowing alternative material, if you allow new construction of asphalt or gravel, I don't think the intent would be to allow people to park on a non-hard surface. Member Cizl asks if we pass this, it will actually give you more options for enforcement? Mayor Bring replies in certain cases, yeah.

CITIZEN’S COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

COUNCIL #019- Tabled- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SHEFFIELD LAKE, THE CITY OF AVON, THE CITY OF AVON LAKE, THE CITY OF NORTH RIDGEVILLE AND THE VILLAGE OF SHEFFIELD TO ESTABLISH A 700 MHz 5-CITY REGIONAL RADIO SYSTEM AND THE DECLARING OF AN EMERGENCY.

COUNCIL #046- THIRD READING- AN ORDINANCE AMENDING CHAPTER 1353 OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE REGARDING FLOOD DAMAGE PREVENTION, AND DECLARING AN EMERGENCY.

COUNCIL #051- SECOND READING- AN ORDINANCE BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE APPROVING THE LIMITED USE REZONING OF FIVE LOTS KNOWN AS PERMANENT PARCEL NUMBERS 03-00-035-101-007, 03-00-035-101-009, 03-00-035-101-010, 03-00-035-101-011 AND 03-00-035-101-012 LOCATED ON CLIFF DRIVE AND LAKE ROAD INCLUDING 5065 CLIFF DRIVE, 5055 LAKE ROAD AND 5059 LAKE ROAD FROM AN R-1 RESIDENTIAL DISTRICT TO AN R-2 RESIDENTIAL DISTRICT.

COUNCIL #053- SECOND READING - AN ORDINANCE AMENDING SECTIONS 115.03, AND CHAPTER 169 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING EMPLOYMENT PROVISIONS FOR FULL-TIME NON-BARGAINING EMPLOYEES AND THE DECLARING OF AN EMERGENCY.

COUNCIL #054- SECOND READING- AN ORDINANCE AMENDING CHAPTER 133 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING THE DIVISION OF POLICE AND THE DECLARING OF AN EMERGENCY.

MEETING ADJOURNED: With no further business before this committee, *Motion by Wtulich/Second by Radeff to adjourn at 7:27 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

Brandy Randolph

I, Brandy Randolph, duly appointed Clerk of Committee
Of Sheffield Lake DO HEREBY CERTIFY that this

CHAIRPERSON

Rocky Radeff

Is a true and exact copy of the Minutes of the
Ordinance Committee of November 4, 2020.

COUNCIL PRESIDENT

Rick Rosso