

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
January 5, 2021

This regular meeting of the Ordinance Committee was held Tuesday, January 5, 2021. Chairperson Radeff called the meeting to order at 7:14 PM.

ROLL CALL OF MEMBERS:

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

Absent: None

Attending: None

MINUTES: Nov. 4, 2020 *Motion by Wtulich/Second by Cizl to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: Entitled licensing of contractors. Member Wtulich states I am ok with it. I know it will be more expensive having licensed people in here, but that's what everyone is going to.

*Motion by Wtulich/Second by Cizl to move this ordinance to council. Yeas All.

Sidewalks and driveways. Member Wtulich states the easiest thing would just be to add asphalt which is a hard surface. Chairman Radeff states my thought was keeping asphalt for the main and maybe if it's an extension, I wouldn't be opposed to gravel. Member Cizl states for me, is it enforceable? Is the city gonna have any problems enforcing extensions and aprons with the grandfathering, etc. Superintendent Hastings says I think if you consider gravel, you should enforce it just like you would specs on an asphalt or concrete driveway. You can do it, but you will have a vapor barrier, 4 in. of material and some kind of border to contain it. This way it's very cut and dry on enforcement and maintenance. I included exhibits from engineering for driveway specs. Mayor Bring states we caught a few people and made them do it right. There was a guy on Lake Rd. and Mr. Melbar went down and the guy was standing in tears saying I'm sorry I didn't do this, but he has been caught before. We said it's probably going to get changed, so since you did it correctly, we will let it go. Law Director Graves states right now we are only discussing residential. There are two considerations. There is new construction and additions. I think a determination needs to be that if someone builds a new house, what material will be acceptable for that driveway. I don't think we want people building new houses and putting gravel driveways in. If you want to expand, allow material for new construction to be concrete or asphalt, you know. Then you get into existing driveways with additions. If you wanted to allow gravel with the standards we have, that is something you could talk about as well. If you have an existing concrete or asphalt driveway and you want to permit these gravel additions, I think that is where

people are running into a hardship now. Chairman Radeff replies my opinion would be only additions would be allowed to be gravel, not new builds. Unless it's already gravel. Law Director Graves asks but you would allow asphalt for new construction? Chairman Radeff replies yes. Law Director Graves asks and then gravel or asphalt for an addition, even in cases where there is an existing concrete driveway, and someone says I want the addition to be asphalt or gravel? Chairman Radeff replies yes. Now, this would not change the recently passed legislation about parking vehicles on the side or back, correct? Law Director Graves replies the amendment that was done says that any motor or recreational vehicle has to be parked on a driveway that meets all other provisions of the code. If you change the code to allow for gravel additions, then it would be acceptable. It's how you want to define an approved driveway, if they meet that, they would be ok to park there. Member Cizl asks is there any limit on how far their extension can come into the front yard? Law Director Graves replies that would be a percentage of lot coverage issue. I believe that would be the only restriction. You can't concrete your whole front yard. Member Wtulich asks so, for new construction we would allow asphalt along with concrete? Then for existing residential properties, we would ok those two and also #57 limestone? Law Director Graves responds right, we would use the same parameters we have in the code now. We could add the vapor barrier language. Mayor Bring states if we say #57 limestone, people now are using riverbed rock which I don't see a problem with, so I don't know if you want to specifically say #57 limestone. Superintendent Hastings asks could you identify it as an approved aggregate per the building department? River rock is normally a different size, although you can get it in size 57. Predominately in driveways it's the size of a golf ball. Law Director Graves states currently it reads a minimum of 4in. depth of #57 limestone aggregate or larger. We can clarify that language. Member Cizl asks just for clarification, when we talk about aprons and extensions, aprons are what go from the street and extensions are from the sidewalk towards the house? Superintendent Hastings replies yes, aprons are technically in the right of way. Member Cizl states I know at one point you weren't allowed to put concrete in the apron because you had to have access to utilities. Superintendent Hastings says my understanding is if you choose to do it and a utility goes in, they are not required to restore it. Law Director Graves reports construction material for driveways should be a minimum 10 ft. in width shall be (inaudible). The apron from the sidewalk to the curb line on paved streets shall be a full 6 in. in thickness of Portland cement. On unpaved streets, the apron shall be 5 in. of #304 aggregate based covered with 2in. of 404 asphaltic concrete, apron shall be 10 ft. in width, etc. Aprons are a separate section. That section says all new aprons have to be concrete, 6 in. Superintendent Hastings responds I think it should be either or. Many driveways are asphalt now and many sought approvals from the mayor. Law Director Graves replies it does make the distinction of paved or unpaved streets. Superintendent Hastings reports really all streets are paved. Law

Director Graves states they are talking about like concrete curb and gutter. That would be a concrete apron, other streets you could use asphaltic cement.

NEW BUSINESS: Mayor Bring reports I hate to do this with a single resident, but we have had a tremendous amount of complaints. It's over by Thelma. We have an ongoing neighbor feud. There is a gentleman who plays his radio in his garage and everyone knows those houses are very close to each other. One of the neighbors has just had a baby and he plays the music quite loud all the time. However, it's below the decibel reading which in effect is how we determine if he is breaking the law or not. Our police have gone numerous times. It's affecting multiple neighbors. One of them asked instead of using the decibel reading, is there something we can use for an ordinance to prevent that. The police have their hands tied. I don't like to use one example, but this is getting out of hand. I said I would bring it up. Chairman Radeff asks is it a specific time? Law Director Graves replies we have our noise disturbance prohibited ordinances with different times and designations of different types of noise. Power tools, loudspeakers, motors vehicle horns, etc. and we also have radios, televisions, musical instruments, etc. All of those use language that says in such a manner as to create a noise disturbance. When you go to the definition section, it then defines noise disturbance with a number of factors. It then also says shall it be less than the maximum permitted decibels. Then you go to maximum permissible sound levels and it says between 7am and 9pm it's 60, between 9pm and 7am it's 50 decibels. They shall be exceeded when the noise of any one point of time exceeds the above by 15 decibels or more or by 5 decibels if continuing for more than 5 min. So, if it's 3 in the morning and the neighbor is playing a radio in the garage and the police go out there, if it's less than 50 decibels from the next property over, it doesn't meet our definition of a noise disturbance. I think the thought process was to have something firm. There should be something they can turn to if it is below the decibel level where it can be considered some kind of noise disturbance. Mayor Bring states this gentleman for example will leave and won't come back for 5-6 hours but leaves the radio on. We can't do anything, and I understand the neighbors getting frustrated. Member Cizl asks when the police go, where do they usually measure the sound? Mayor Bring replies the street. Law Director Graves responds it says across a real property line, or if the source of the noise is from a property inhabited by multiple families, then across an imaginary line separating one person's area from another's. Mayor Bring says my opinion, if it is a continuous noise that is affecting everybody, I think at some point it becomes a nuisance. Superintendent Hastings reports it's fairly loud. The gentleman has a ring camera, and he filmed the patrolman at his house and you can hear the music in the background, he is purposely being cantankerous. Is there something for disturbing the peace? Law Director Graves replies there is disorderly conduct. I have advised the police in the case of him turning it up and then leaves the house, and nobody is home, and he is just blaring the music, I think that should be cited as disorderly conduct. He is purposely creating an offensive situation and trying to taunt or illicit an angry or violent response.

Mayor Bring states I don't want to create something where someone is having a party and the neighbor doesn't like the music, so they call. Chairman Radeff states maybe it could be set at a lower decibel if you are not home. There should be different standards for when you are home and not. Law Director Graves says there have also been reports that some of the music he is playing is offensive and vulgar. That is also disorderly conduct, I think. It could be as simple as reducing the level of decibels allowed at certain times.

CITIZEN'S COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

COUNCIL #070- SECOND READING- AN ORDINANCE BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SHEFFIELD LAKE A CHARTER AMENDMENT AMENDING ARTICLE VII SECTION 1 (a) OF THE CHARTER PROVIDING THAT THE BUILDING INSPECTOR AND DIRECTOR OF PUBLIC SERVICE SHALL BE NON-VOTING EX-OFFICIO MEMBERS OF THE BOARD OF ZONING AND BUILDING APPEALS AND THE DECLARING OF AN EMERGENCY.

COUNCIL #071- SECOND READING - AN ORDINANCE BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SHEFFIELD LAKE A CHARTER AMENDMENT AMENDING ARTICLE VII SECTION 2 (a) OF THE CHARTER PROVIDING THAT THE BUILDING INSPECTOR SHALL BE A NON-VOTING EX-OFFICIO MEMBER OF THE PLANNING COMMISSION AND THE DECLARING OF AN EMERGENCY.

COUNCIL #072- SECOND READING - AN ORDINANCE BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SHEFFIELD LAKE A CHARTER AMENDMENT AMENDING ARTICLE VII SECTION 3 (a) OF THE CHARTER PROVIDING THAT THE MAYOR AND DIRECTOR OF PUBLIC SERVICE SHALL BE NON-VOTING EX-OFFICIO MEMBERS OF THE PARK-RECREATION BOARD AND THE DECLARING OF AN EMERGENCY.

Chairman Radeff asks are we going to be using our charter commission more? Law Director Graves replies that is a council appointment. Council can initiate charter changes on their own, but there is supposed to be a charter review commission that reviews it and recommends changes.

MEETING ADJOURNED: With no further business before this committee, *Motion by Cizl/Second by Wtulich to adjourn at 7:49 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

CHAIRPERSON
Rocky Radeff

I, Brandy Randolph, 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 5, 2021.

COUNCIL PRESIDENT

Rick Rosso