

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
April 2, 2024

This regular meeting of the Ordinance Committee was held Tuesday, April 2, 2024. Chairman Cizl called the meeting to order at 7:26 PM.

ROLL CALL OF MEMBERS:

Present: Cizl, Wtulich, DeBottis, Mayor Radeff, Law Director Graves.

Excused: Service Director Hastings.

Attending: Citizens

MINUTES: March 5, 2024. *Motion by Wtulich/Second by DeBottis to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: Golf Carts, parking ban. Member Wtulich asks are we still working on an ordinance that might include golf carts? Mayor Radeff replies yeah, the chief is still working on putting together bikes, ATV's, etc. His indication is if we do it with ATV's, it's pretty similar to golf carts. If we decide to have them both legal, the goal is to have some sort of an inspection yearly, etc. He has given me a breakdown on some inspections other cities have used. I can try to have him here at the next meeting to talk. I have the same opinion today as I did last year and am very open to the idea. I know Bill as well was in for that. Chairman Cizl asks open to the idea of having ATVs street legal? Mayor Radeff replies golf carts. Law Director Graves says I disagree with the police chief on that particular matter. Mayor Radeff says he wanted to rope ATVs into that as well. Law Director Graves states currently under our ordinance, it only permits them on private property for the purpose of yardwork, landscaping, snow plowing or nonrecreational use. They can be driven on the berm or shoulder, along side a street or highway for a limited distance for the purpose of unloading or conveyance to where they are permitted to be operated. Our code does not permit them to be driven on the streets. Mayor Radeff says the chief said in the past they have not enforced anything if one had a license plate. Chairman Cizl says from an ordinance standpoint this looks like it would be a big overhaul. Law Director Graves replies I think they are separate and distinct enough that I don't know that they need to be consolidated or anything. The licensure is required and that would be for the limited purposes I previously discussed.

NEW BUSINESS: Mayor Radeff says we have had on the books for a long time a mayor's secretary. It doesn't give much information other than it says the mayor can hire a secretary. I have talked with my administrative staff and I think the thought is to fill that as a part time position with the idea they would be more of an

administrative assistant. They would help with calendars and other secretarial work. It would be someone who could be used by all the administrative depts. The only thing we have to do for that would be to create some sort of pay schedule which would have to be an ordinance. Chairman Cizl asks so the two women we see up front, one is clerk for the law dept.? Law Director Graves replies Stacy is almost exclusively the accounting/payroll clerk and Kelsey is the mayor's court clerk/administrative assistant to myself, the mayor, finance director and her financial responsibilities are to handle all the receipting/updating/balancing. Chairman Cizl says so you are looking at hiring a third person? Mayor Radeff replies yeah. Those two are both union, this would not be a union position. Right now, Kelsey has been doing my scheduling and it takes up time from what she should be doing. I also have her doing the website, etc., and those duties would probably switch over to the mayor's secretary. Member Wtulich asks you have an idea of how many hours and rate of pay? Mayor Radeff replies the thought was 3-5 hours a day with no more than 25 hours a week, but it would probably be more day to day. We talked that it would be like \$18-21/hr. Member Wtulich asks you said you would like to be able to use that person as a backup for other positions, but those other positions are union, correct? Mayor Radeff replies when I say that, they are doing things that aren't necessarily the job description. She's taking my calls, doing my schedule, filling in Facebook stuff, etc. It wouldn't be like finance duties. Like with Mitch, if he was gone, one of those two would have to do his work, so there's things he could be having her do that he does on a typical day. Member Wtulich says I just worry that it would be a problem if they are doing their regular duties if they are on vacation. Chairman Cizl asks do you have someone in mind? Mayor Radeff replies I have a couple people interested, but I don't have a concrete decision.

CITIZEN'S COMMENTARY: *Dennis Radeff, 500 Buckeye Dr.* says when they are talking about the golf cart situation, most ATV's you can't get a license plate for. They come with a registration, but it's not a title, it's just a bill of sale. Golf carts and larger ATVs with lights, turn signals, etc., those can get licensed. Some ATVs are used to plow snow, so if they are doing that in the city, they have to at least register it with the police.

Tammy Asire, 648 Maplewood Dr. says it seems to me that when we talked about this a year ago and I did research, if you do have an ATV or golf cart and you go through all the steps and get it licensed and road worthy and legal to be on the road, then it can no longer be used off road. If somebody has a larger ATV and get a plate on it, then it can't be on the trails.

Mayor Radeff says I wouldn't allow them on the trails.

Kelly Wilms, 4855 East Lake Rd. says I have a question in regards to business signs in R1 residential zoned houses. I am east of Shell Cove Park and I have a residential care facility that is a licensed business with the State of Ohio and I have been operating for over two years. I put a sign affixed to my garage, a banner, and I also have a second sign just with the business name on the front porch and they have been

there since August. All of a sudden, I got notification from the city that I'm not allowed to have these two signs and they have to be a certain size, etc. because I am in residential zoning. It is a licensed business. These are far off the street and I don't know how they could be a distraction. They don't light up and they aren't close to the road. I got verification of who complained and there has only been one complaint, so I feel a little disturbed that this is allowed to take place. I want to ask special permission to get this over rode. I don't understand why this is a bother to anybody in the city. Everybody is very happy with my business and I need people to know where it is. I'm asking special permission. I don't see why it's a burden and there shouldn't be an exception made. I don't want to have to play games and do multiple signs. Law Director Graves says the code states if you have an allowed accessory use for your residential home, you are allowed one sign up to a maximum 2 sq. ft. That is because it is supposed to be a home occupation and we don't want big commercial signs which would disturb the nature of a residential district. If we want to consider increasing that, we could. Mayor Radeff says I think more specifically what she would require is an amendment to the code, it wouldn't be a special allowance unless she went for some sort of variance. We have talked and she has been very accommodating in trying to find a solution to it. Ms. Wilms says in my personal opinion it can't be referenced if it's Live, Love, Lake, because my LLC is Live, Love, Lake Senior Living. They create products across the country that are Live, Love, Lake and it's simply just those words presently. Also, if a sign is not allowed, would I be allowed to put a flag or a mural painted on my house? That would be my alternative plan, but I would like to keep the simple banners.

Alex Rodriguez, 4440 Edgewater Dr. states I am here because I was called by the mayor and law director, because a neighbor found out I have an Airbnb at my house in an R1 zoning and that is not allowed. I'm between the gas station and many businesses and never had a problem before. The guy is trying to sabotage everything. I am here to see if you can take into consideration changing zoning of my house because I have a really serious business that is bringing money to the city. I talked to Cardinal Scoop because I send a lot of people over there and the lady thanked me. I have a noise detector on my house and if something happens, Airbnb will be notified. The guests have to be under a certain noise level. Not only that, but it is really strict. If you are a first-time guest, you are not allowed to book the place, you have to have a rating from a previous Airbnb house. Most of my guests come from Canada so we are bringing business to the country. I have an inground swimming pool that is heated and that is a rarity. I was trying to propose that I will pay a yearly fee to the city or a percentage. There are no hotels in Sheffield Lake. They have to go to other places. I have never had a problem before and I have been doing this for a little bit. With the earnings of last year, I paved my street. It is a private street and I helped my neighbors to patch it. I am a good neighbor and never had a problem. Is there any way we can change the zoning to R2 zoning? There are plenty of people doing it. The economy is pretty bad and I lost my job in December. This has been helping me pay my taxes and mortgage. I also have a daughter in school. I would

hate to move or sell the house. Is there anything you can do? Chairman Cizl asks you commented that there are others, there are others in Sheffield Lake? Mr. Rodriguez replies there is over 15, but they picked mine. Member DeBottis asks for the ones that are zoned and allowed; do they have to register like a rental has to here in the city? Law Director Graves replies I don't think so. They are permitted with specifications in R2. Chairman Cizl asks do you recall any legislation at all about Airbnb's? Law Director Graves replies we haven't had any, no. It was under the old planning and zoning code, R2. The new code also incorporates them into R2. One possible approach would be to make them conditional uses in R1 so that it would be reviewed on a case-by-case basis by Planning Commission and Council. Chairman Cizl asks what about forwarding it to Zoning? They are asking for an exception; would that be a zoning issue? Mayor Radeff replies I think the underlying issues would require some sort of an ordinance change. Law Director Graves says Zoning Board of Appeals are appeals and they hear requests for variances. If someone wanted to pursue a variance, they would have to establish the factors for practical difficulty. There is a burden of proof they would have to meet. You could get their opinion, but it's not really a legislating committee. Member Wtulich says the conditional use makes a lot of sense. What would be the steps for that? Law Director Graves replies we would have to amend the code to allow it as a conditional use. Then the conditional use approval process starts with them submitting an application to the building dept. Planning Commission has a public hearing and makes a recommendation. Then there are factors they are supposed to consider. Then following receipt of the recommendation by planning, city council would review it and vote. Member Wtulich says maybe we should put on the agenda to look at next month possibly amending the code to allow conditional use. Chairman Cizl says I think that's a good idea.

Sue Sazima, 4414 Edgewater Dr. says I am the neighbor of Alex and I would say coming out to Sheffield Lake, it has always been a problem that there are no hotels. I know for a long period of time I had to accommodate out of town relatives coming into visit. Air mattresses for my aunts who were 80, was not really an option. I think it's something that really enhances the community. There has never been a problem with Alex's tenants/guests. Looking at the city and having been in real estate in Lorain County, we need to look towards the future in what we can bring in for revenue. We have businesses that are struggling and half a dozen that have come and gone. Alex is very good at referring people to these businesses. There has never been a problem. My background is in law enforcement in the City of Cleveland. I don't want to see Airbnbs come in that aren't regulated. I think when you look into legislature, if there is more than 3 calls to a residence, there are checks and balances in place with the Airbnb companies. We have nuisance properties without them being Airbnbs and they are frequent fliers. That's not happening at Alex's home. I think to make our community a destination place and increase our real estate sales out here. We don't have a hotel; we don't have a boarding house. We have a beautiful lake front and many amenities. Half of my relatives are out of state and it's very

difficult for us ever to convene in this area. I would like to ask you all to look into this as a positive. I only see this as a win/win for our community. I believe it should be regulated and I don't think we should just open our doors and become mini campgrounds all over the city. Think of the marketing you could do. It would support a lot of different areas in this city.

Tammy Asire, 648 Maplewood Dr. says I was in agreement if we were going to have Airbnb's and lots of them, they should be registered and in certain locations. The concept of saying we will have people from Canada buy up the small houses so they will have vacation homes, in my mind some of the issues we have are absentee landlords, people who don't live here and aren't taking care of their properties. Please don't base it on selling us to Canada.

Kelly Wilms, 4855 East Lake Rd. says with the Airbnb, I had an exact same situation/scenario. I did Airbnb for about 7 months on and off and I also resided there sometimes. The cops were only called one time, but I got 8 tickets in 7 months. They hunted me down in Bay Village, etc. I had an 8-hour court trial in Lorain over Airbnb. The problem I have is that it's not in the ordinance, unless you guys have changed it, that says anything about short term rental. If you look at the language and read the legal definitions of the current ordinance, it only talks about motels/hotels. An Airbnb is simply a short-term rental. It can be a long-term rental if you wanted it that way. You can't classify a short-term rental as a motel, they are separate things. Lorain, Avon Lake, several cities allow it so it really doesn't make sense. If there is a problem, address the problem, don't ban Airbnb for someone who just wants to create revenue for themselves.

Sue Sazima, 4414 Edgewater Dr. states I want to address about selling to Canada. I don't mean to say we want to bring in Canadians, I mean to say we can bring in an outside market. I want to bring in revenue and people to our community. As for absentee landlords, I also own multiple properties in the City of Cleveland and was a landlord when I was 21 and I am now going on 72 and still am land lording. You will never find a complaint against one of my properties. I found it difficult coming into this community and buying properties in years past. I never wanted one of my properties to be an eyesore or affect my neighbor. I wish we could say people are respectable and took care of their property. That's what we lean on our legislature for, to police this per se.

Alex Rodriguez, 4440 Edgewater Dr. says whoever owns an Airbnb is not going to have the junk outside. You are gonna see the house really clean, in shape with nice landscaping. With Canadians, etc., we can regulate that. It doesn't have to be open wide. For the eclipse, NASA is at my house. They picked my house to record the eclipse.

Law Director Graves says in the new planning and zoning code, it does clearly state short term rentals. Under the old code, it did generally reference lodging houses, etc. I think addressing these on a case-by-case basis through the conditional use process probably makes a lot of sense. We don't define short term rentals by any time period,

we define it as whether the occupants have a present intent to reside there, whether it's their domicile, if they receive bills, etc. If they don't, then it's a short-term rental. Mayor Radeff asks are you going to review the sign ordinance as well? Chairman Cizl says sounds good to me.

Law Director Graves says we have an ordinance on the books that if the police are repeatedly called, the owner of that property can be cited for permitting a public nuisance.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

COUNCIL #011- THIRD READING- AN ORDINANCE VACATING PORTIONS OF PARKVIEW DRIVE, IVANHOE AVENUE AND FERNDALE AVENUE AND THE DECLARING OF AN EMERGENCY.

COUNCIL #012- THIRD READING- AN ORDINANCE AMENDING SECTION 1395.08 OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE REGARDING ENFORCEMENT OF THE EXTERIOR PROPERTY MAINTENANCE CODE AND THE DECLARING OF AN EMERGENCY.

COUNCIL #015-SECOND READING- AN ORDINANCE APPROVING A RECORDS RETENTION SCHEDULE FOR THE CITY OF SHEFFIELD LAKE AND THE DECLARING OF AN EMERGENCY.

COUNCIL #017- SECOND READING- AN ORDINANCE REPEALING SECTION 969.02 REGARDING COMMUNITY CENTER MANAGER AND ESTABLISHING THE POSITION AND RATE OF PAY FOR THE POSITION OF RECREATION DIRECTOR FOR THE CITY OF SHEFFIELD LAKE.

COUNCIL #018- SECOND READING- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC. FOR THE LEASE OF FIVE 2024 DODGE DURANGO PURSUIT VEHICLES FOR THE CITY OF SHEFFIELD LAKE POLICE DEPARTMENT AND THE DECLARING OF AN EMERGENCY.

MEETING ADJOURNED: With no further business before this committee, *Motion by Wtulich/Second by DeBottis to adjourn at 7:53 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

Is a true and exact copy of the Minutes of the Ordinance Committee of Apr. 2, 2024.

CHAIRPERSON

Mark Cizl

COUNCIL PRESIDENT

Rick Rosso