

ORDINANCE COMMITTEE MEETING
TUESDAY
MARCH 5, 2019

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:00 p.m. Members of the Committee in attendance were Co-Chair Mr. Overstreet and Mr. Spotton. Present from Council were, Mr. Hoefle, Mr. Evers, Mr. Zuren, and Council President Mr. Meyers.

Present from the Administration were Mayor Morley, CBO Menn, and Law Director Klammer.

PROPOSED

1. To discuss proposed changes to requirements for temporary signs in the city.

Mr. Kasunick: With that I will now turn the meeting over to our Chief Building Official Mr. Menn.

CBO Menn: Thank you. I was asked to look into our temporary sign issue again. This has always been a constant battle with some of your restaurants and other businesses. They like to put out the A frame signs and we constantly tell them no...then they go up on the weekends and my weekend patrol people come in Monday morning at 8:05 a.m. and tell me all of the businesses that put up a temporary signs up and down on Vine Street and sometimes on Lakeshore Boulevard. I sent out...probably one more time and we have no temporary signs in our ordinance...we do not allow temporary signs. So I copied Willoughby's and I highlighted it for you and I kind of highlighted the bottom paragraphs or sections...if you want to take a look at this and see what you think. The other issue with temporary signs is and I don't know what you call them but the flags banners that wave or sails...they all started popping up as well...and again technically by our ordinance they are not allowed. And when we go and tell the companies that they are not allowed all we hear is that "We pay taxes." "How do you want businesses in Eastlake?" So I thought that I would bring it to you guys one more time and see if you want to do anything for temporary signs or nothing at all, or let them have them on the weekends whatever.

Mr. Kasunick: Are there any thoughts or discussion on this matter? Mr. Spotton?

Mr. Spotton: How do you enforce what we have now that they are not supposed to have it?

Mr. Menn: We even go to their place or we will send them a letter to take down their temporary sign.

Mr. Spotton: Because I mean they still do it.

Mr. Menn: About 50/50...some are very nice about it and others are a big...

Mr. Spotton: A big problem.

Mr. Menn: Pain in the butt...once they know that we leave at 4:30-5:00 p.m. they go back up. Weekends they are all ways up.

Mr. Spotton: That's why I say I don't know about a change if it's going to make them obey it.

Mr. Menn: I think that it would give us a little more flexibility...especially like the restaurants and I hate to use Willoughby. But if you go downtown Willoughby they have the A frames out saying that we are open from 9-5 come on in or here are our specials. Will that make us a little bit more business friendly possibly? But again this is what I'm hearing from your businesses and...I don't have...if we come up with something I don't mind. It's funny how ours just says no temporary signs and every other city I think has some version of temporary signs.

Mr. Kasunick: Mayor Morley?

Mayor Morley: I just want something that you guys can agree to because again I don't know how many calls you get. Mr. Menn and I get the calls and one of the people are saying that the signs are going up and on the weekend if I'm out and I see the LaSalle signs or this sign I'll take them and put them in my car. They will take them down or Mrs. Pikus will take them down, Mr. Rubertino will take them down, or he will take them down. We get complaints like Mr. Menn said that there is one place on Lakeshore Boulevard that a guys is all ways complaining to us that we're not business friendly and we're not letting them advertise things that he does. A few things on Vine Street are the same thing. I'm to the point one way or the other and I've said and I've sent out emails...we're either going to enforce it all the way if there are no temporary signs I need to start and unfortunately I'm going to be the bad guys the "No Temporary Signs" even for league sign-ups everything. Because that the other thing that I get from businesses well why is that sign hanging up about little league or why is that sign hanging up about this event and I'm tired of hearing that too. So again at the end of the day we'll be the bad guys if nothing gets changed on temporary signs and there is not going to any throughout the city at all, which if that's what we want I'm okay with that. But I just need to finally when these people are upset and telling me that we're not trying to help them out especially the smaller businesses. You guys have to give me some direction. We do say none but again they are popping up and again we don't go and just take them off the fence; which we should and could but we don't do that. Especially with the churches, the leagues, and everything else we just let them up. Mr. Menn is taking more heat than I am but at the end of the day we either want them or not. It can't be that we allow when we feel like...like I said I usually pretty much when someone calls me and at least's asks about putting up something for a couple of days I'll say "Yeah" though I shouldn't be. I'm trying to work with Saint Justin or North High School's Prom, or this or that. Something's just got to be one way or the other.

Mr. Menn: Quite frankly I've done the same with new businesses just coming in to say that they are open. I have bent and I think that it is good for us to work with the businesses. So I tell them "Hey a week or two and then you have to have it down." I always explain that we don't have temporary signs and...

Mayor Morley: And even on Curtis Boulevard people are putting the signs out there that they are hiring and we're making them take them down. Like you guys aren't even let me bring in new jobs into the city, because we're telling them to take the signs down. The problem is that I do have and I've talked to Mr. Menn is if we do go with something temporary the businesses need to know that you have the sandwich sign and you have this at the end of the day when you are not open you take that sign down so it's not blowing in the street, or not getting knocked down in his land. Looking back the same thing with the flags...I drive through Willoughby and through Mentor and they all have them so...I'm good one way or the other. If you don't want to have them then you don't but then we're going to end up just saying there are no more signs at all temporary no matter what it is.

Mr. Kasunick: Mr. Zuren you wanted to say something?

Mr. Zuren: Yeah I had two questions. The first one is have we find any businesses for signs?

Mr. Menn: No I will not go that far. I mean usually in the end I'll work...they'll eventually comply but it's a really big...ache. Or they'll put it up on the weekends when I'm not here but then again there's a weekend patrol that we have in the city that comes in my office at 8:05 and tells me about all of the businesses that put signs out over the weekends.

Mayor Morley: And there are people that want us to fine them. We just haven't.

Mr. Zuren: Okay the second comment that I have is and I know the Mayor and the Mayor's are all working on unforming the street to make it all look the same; which I think is a great idea. In adopting Willoughby's sign ordinance would make sense.

Mr. Menn: I don't want the city to be littered with signs by no means that is not my goal here. My goal is just give me some direction. We'll still enforce what we have to enforce but just some direction.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: In dealing with these businesses if you think you give these guys a little bit of wiggle room to do what they want to do is that allow you to enforce it more on the off times? Do you think that they are going to comply? Or are they going to continue to be a problem?

Mr. Menn: I would hope so. Yeah I would hope so if we explain it to them. Here are your rules now and this is what we want I would think that most of them would probably be...I think that a lot of it is just because they can't do it.

Mr. Kasunick: Mayor Morley?

Mayor Morley: I think that if we put a letter together...if we say on Vine Street especially or anywhere...we put a letter together that says exactly what I just said. Given the ordinance you police your area but at the end of the day if we get complaints then we're going to say "You can't

have the signs." I think that if we go out there and say "You can have them." I think they would work a little more with us instead of just trying to hide them. I know which ones are hidden on Saturday's and I know which ones are taken down when we're not out. They shouldn't have to do that. Our businesses shouldn't have to do that but they also have to have the responsibility...again especially with political not the political signs but the signs that look political and they are there for the weekend and blowing it. Fix you signs if you want to have them or get a thirty year sandwich sign. We had that issue on Vine Street before that the sandwich signs were laying on Vine Street. That's where we can go and say "Hey you guys" and take them away. But at least they're not hiding and fighting with him especially.

Mr. Kasunick: Mr. Hoefle?

Mr. Hoefle: What about a business on Vine Street if they have a sign where they can't put it up but they decide to just get magnets and put them on their vehicle or the van that they use and they park it right there at the end spot. They are advertising right there with the magnetic sign.

Mr. Menn: I really can't say anything about that.

Mr. Hoefle: That's what I'm saying they can have...the pizza places can have the ones that they mount on the top of their vehicles. They say hey they passed a sign that I can't do it but you know what park your car right there while you're working today...pop it up...

Mr. Menn: Now the only time I would say something is if I know like the guys just bought a vehicle just to park there and it's there 24/7. Then I know it's a billboard that he put a sign on it.

Mr. Hoefle: They could have a van that they use and they just pop some magnets on the side of it and that takes care of that.

Mr. Menn: So I just think that we need some direction one way or the other and this will be the last time.

Mr. Kasunick: Okay let me just state for the record that Mr. Menn provided us with a copy of Willoughby's ordinance on the matter. That's their section 1163.07 under their supplemental regulations. Are there any comments about the Willoughby ordinance whether we agree or whether we think that this is a good model for us to follow? Mr. Hoefle?

Mr. Hoefle: Really quick Mr. Mayor did you happen to pick up like Willowick's or Mentor's...so if we're talking like the whole quarter going down Vine Street for example. What is theirs compared to Willoughby's?

Mr. Menn: I didn't get Willowick's but their kind of similar but I went with Willoughby because they have a lot of the restaurants and businesses and quite frankly I think that we've all been through downtown Willoughby and we probably see the signs all the time and that. Again I'm just trying to...is the theme more businesses friendly?

Mr. Klammer: I was just checking to see how old ours...it looks like ours is from 1997.

Mr. Menn: Yeah it's from 1997 or 1996.

Mr. Hoefle: One other question Mayor Morley...back when you were on Council didn't we pass something in regards to the fences on Route 91?

Mayor Morley: No we actually...when we actually put that in because of all the complaints...I was telling Council President...

Mr. Hoefle: Just to limit it.

Mayor Morley: We eliminated it because we were getting so many complaints about the signs looking trashy by the stadium.

Mr. Hoefle: Correct.

Mayor Morley: And all the fencing. Because if you remember back then they were all the way down Route 91 is where it was the bigger problem.

Mr. Hoefle: I remember we did something.

Mayor Morley: I don't think...yeah it was in 1997 or whatever year Mr. Klammer just said.

Mr. Hoefle: I just remember we did something about removing all those signs.

Mayor Morley: Yeah there were the big signs all over by the stadium for advertising the city was renting out...they were renting out those spaces though.

Mr. Menn: You know when I first started I was chasing him telling him that he can't put those signs up there we're not allowed temporary signs. I mean were letting the little leagues advertise so it's like you know.

Mr. Klammer: I think you can just amend the ordinance to just say similar to what Willoughby has but I even limit it to menu boards. Just temporary signs shall be placed not less than five feet and no larger than 3X2 as the Safety Director determines or the Service Director.

Mr. Menn: It would be the building...the service doesn't do them.

Mr. Klammer: The Chief Building Official...

Mayor Morley: The only other thing that they have in here is like the Safety Director for signs and the right a way but the signs and the right of way could...

Mr. Menn: They are going to get run over.

Mayor Morley: Yeah they are going to get run over so I don't know why they even have that in there.

Mr. Menn: Well because sometimes the right of way will be the public sidewalks.

Mr. Klammer: That's why probably.

Mr. Menn: The issue.

Mr. Klammer: I think that's a two sentence change and I think that you will be okay. If you want to do it's easy enough.

Mayor Morley: Like I said if something gets passed we go to all of the businesses on...and there isn't that many. We just give that handouts on Lakeshore Boulevard and on Vine Street and just say "Look this has changed but you have to police your own area." I don't know if everyone is going to go crazy and go grab the signs or not I don't really know. I know where we have problems every weekend. I mean Mr. Meyers, myself, Mr. Menn, and Mrs. Pikus get emails and texts all weekend.

Mr. Menn: And what we would do if there something passed again and if the signs are up we'll stop in their door and say here's our new policy and let's work together and go by these standards. If you want to think about it and kick it around or whatever.

Mr. Kasunick: Let's poll the committee. My personal preference would be to adopt something similar to what Willoughby has so that we can allow for some flexibility for businesses to put up temporary signs. Mr. Overstreet what are your feelings on that?

Mr. Overstreet: I agree with you.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I agree.

Mr. Kasunick: The next question is do we just want to say we want basically Willoughby's ordinance verbatim and move it forward? Or do we want to draft something and see a draft before we move it forward?

Mr. Spotton: Just changing a couple of lines.

Mr. Klammer: Yeah just so when Mrs. Simons reads it...Mrs. Simons we are going to amend 1347.16 (a) (5) "Temporary Sign" and I will get you the language.

Mr. Kasunick: So we can move it forward today?

Mr. Klammer: Yeah it shouldn't be a big change. You have a chance to listen to it at Council-As-A-Whole if you wanted.

Mayor Morley: I'll take a look at Willowick's too and see if there is anything like Mr. Zuren said if we're going to be all the way down Vine Street...I'll take a look at Willowick's ordinance too and Mr. Menn can.

Mr. Kasunick: Okay so move it forward Mr. Overstreet?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Yes.

Mr. Kasunick: Okay I will vote the same...so it will be moved forward.

Mr. Menn: Thank you.

2. To discuss proposed ordinance regarding Building Department's mowing of vacant lots.

Mr. Kasunick: Again I will turn it over to Chief Building Official Menn to explain what that is all about.

Mr. Menn: As you guys know we do the grass notices and everything and we have the rule of eight inches high now; where we send out a letter...give them five days...they don't mow it we send out a landscaper and cut it. We do have vacant properties and abandoned houses periodically...I would say anywhere between maybe five or ten a year that will not mow at all. Sometimes once the bank hears about it the bank will then go ahead and mow it themselves. But what I have done in the past is put them on automatic mow. About every two weeks because the neighbor's know their vacant and the complaints saying "Why do we have to live here?" We've been mowing them every two weeks and talking with Ms. Schindel in finance she would like something in there saying something to that affect. So that when we do the billing someone can't come back and say "Hey where's that in the ordinance that you did it every two weeks for a vacant house or an abandoned house?" instead of eight inches. Again the reason why we're doing this is because and I'm sure that you guys hear the same thing the neighbor's are complaining. This is only being for a vacant or we would determine that it's foreclosed and no ones in there.

Mr. Klammer: Your saying if...mow it up to eight inches...

Mr. Menn: Right...so we put it on a mow list and it really helps us out and it's not abused. Like I said maybe ten a year so something we have. I know that they are mowed and I don't have to worry about them. Again what we do is we send out a first notice to the bank or the last mailing address...we get no response we mail it then...I mean we mow it then we'll check it again a second time to determine that it is vacant and say "Hey let's put this on the list."

Mr. Klammer: Doesn't it say that..." Vines or grasses exceeding the height of eight inches shall be cut and shall be maintained at a height not exceeding eight inches or lower..." Doesn't that kind of already give you...?

Mr. Menn: Well but with the vacant...put it on every two weeks you get into some weather. Finance felt that they weren't comfortable with it...to just say mow it every two weeks. So finance was for a clean up with the auditor's and everything just to make sure that we're okay and that someone couldn't come back and challenge the bill.

Mayor Morley: Where does she want to add the...

Mr. Menn: I'm sorry it will probably be in the C area...somewhere in C we would add it. Just put in a line and I talked with Mr. Klammer on this and we can just add it in there and vacant or abandoned homes can be mowed on a two week...

Mr. Klammer: Cycle.

Mr. Menn: Cycle...throughout the mowing season.

Mr. Klammer: It's easy and if it makes Ms. Schindel happy.

Mr. Menn: It is more with finance...that's how this came up. I didn't have an issue but finance felt we needed to clean it up.

Mr. Klammer: We did if I'm not mistaken...Ms. Schindel...we did argue with the auditor...about getting it back on the billing; whatever she needs to make them happy.

Mr. Menn: Because when someone does buy these properties this bill is on there and they have to pay it. So it's more of a safe guard saying "Hey why did you do this all year?" We have never had that yet so we're fortunate and I've done this in other places but...it's a good umbrella. And Mr. Klammer could just add something in there legally.

Mr. Klammer: Mrs. Simons when you read it 1387.19 (c) we are going to add a provision in there...just remind me.

Mr. Menn: I will.

Mr. Kasunick: I'm for moving that forward. Do we need any further discussion on this issue? For moving it forward Mr. Overstreet?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Yes.

Mr. Kasunick: We will move that issue forward as well.

There were no questions or comments.

PENDING

There was nothing under Pending.

There were no questions or comments.

MISCELLANEOUS

1. Discussion regarding fees for weed removal.

Mr. Kasunick: Mr. Menn you said that you had something that you wanted to bring up.

Mr. Menn: Yeah also looking at the grass notices it got me to looking at the penalty fees that have for our grass notices. And did contact the other cities and pulled their ordinances up and just to explain to you how this works is when we do go out and mow property...the grass guy goes out and he gives me a bill. His bill can be as low as \$17.75 to probably no more than \$30.00. Then we add our fee to it...our city fee. And the first one is our fee schedule and if you look I gave you Willowick, Wickliffe, and Willoughby what they told me today...and you can see our first...we have four offenses and why we go all the way to four gets a little bit with our book keeping is a problem. But if you look at the other cities they basically have a...now this is the cities penalty fee not the landscaper this is from the city. Willoughby I talked to them today and she said that their average is probably a 75 but they are also going to look to raise it because they are facing the same thing that a lot of us are facing. That it is so cheap that people are just saying why bother let the cities mow it. Not looking to gouge them either on this but I'm not sure why it came to four offenses and we couldn't do maybe a first and after the first offense this is the fee; whatever that number could be. It seems like we're the only one that goes to a four step process and everyone else is a one or a two step process.

Mr. Klammer: Is there a fee for when they file a complaint?

Mr. Menn: No...well this is what happens if I mow your lawn and you don't cut it I mow it. So the grass guy goes out...

Mr. Klammer: \$50.00 or \$20.00 whatever.

Mr. Menn: Whatever and then we add...this is your first time for this year we will add the \$50.00 plus the landscapers fee. And we're usually a lot of times we're not even higher then our third or second offense. And nowhere near Wickliffe and the other cities, except for Willoughby but they are going to change theirs to I guess.

Mr. Klammer: But for instance...the \$450.00 are you sure that they don't...that's not when they file a complaint with the court?

Mr. Menn: It's in their ordinances...I copied the ordinance and they are on the back of that.

Mr. Klammer: Yeah but I don't know if that's...

Mr. Menn: No it's their penalty the way that I read it.

Mr. Klammer: Well I'll have to look at it.

Mayor Morley: Is that their penalty or is that what they are charging, because ours is a penalty fee.

Mr. Menn: Yeah that's their penalty fee...

Mayor Morley: Like if...

Mr. Menn: Cost to the owner.

Mayor Morley: What I'm saying for ours where it says first offense its \$50.00, so it will cost them if our landscaper charges \$25.00 then they own \$75.00.

Mr. Menn: Yes.

Mayor Morley: These guys like Willowick's it's just \$200.00 period no matter and then it say's by a minimum of 120 or whatever hours, so there's our penalties. They're just saying regardless if we're getting charged...

Mr. Menn: That much money.

Mayor Morley: Fifty dollars they are still going to charge them \$200.00, which I don't know how they get away with that.

Mr. Klammer: Well that's exactly what I'm asking.

Mayor Morley: I knew that was going to be your question because you can't make money on it.

Mr. Klammer: Yeah but you can't...

Mr. Menn: That's why I said I'm not looking to gouge I'm...

Mr. Klammer: Charge more than it costs us to do something and if it's a penalty my inclination is they have to file a complaint. If would have to be noticed and...

Mayor Morley: Well we get that now like they'll call me and say "I didn't get the letter waive it" and we don't waive it. There's very few that I've waived but they'll call me and say "Well I never

got the letter or I would have cut it." And you know what my answer is "You needed...this is not the first time that we've gone over there."

Mr. Menn: I'm just taking a look at this. I'm just throwing it out there whether this is something that you guys want to pursue or not.

Mayor Morley: I think that we get rid of the four offenses and just do one.

Mr. Spotton: Yeah because if you're talking about if it doesn't cost any more to the fourth time then the first time, so then you are making money or whatever.

Mr. Klammer: It would be less the fourth time.

Mr. Spotton: Then you know what you're doing.

Mr. Kasunick: Mr. Zuren?

Mr. Zuren: I agree with the Mayor on the Wickliffe wording...it's per hour. Willowick makes sense its \$200.00 one fee and it's worded as more of a penalty. That would make more sense to adopt. As the only charge...first offense or tenth offense its \$200.00.

Mr. Klammer: And that includes...and that just includes the cost of the clean up...

Mr. Menn: Well here's the thing though I have a landscape bid out there right now though. They may have their...Willoughby has their guys do it and we have a private service. So he has to give me his bills...like this is a pack of bills that I just grabbed and just looking at this one itemized bill that he sent in. Like one stop was \$35.00, \$7.50, one stop was \$17.75, and one was \$12.50. What he does is he starts his clock when he pulls up to the land and if it takes two guys ten minutes that's all that he charges for. He doesn't charge for that whole hour, so he has a sheet that tells him okay for ten minutes it's a percentage of \$17.75 and that what he bills me. So some people it is \$7.50.

Mr. Klammer: Do you know if...mention this to Ms. Schindel, because if we just did for the sake of an agreement a flat fee of \$100.00, which includes your administrative cost, that finances administrative cost, the violations and everything...if the cost from that guys is \$7.00 if Ms. Schindel will let us...if the auditor will let us put the whole \$100.00 on the tax duplicate...

Mr. Menn: Plus the seven...

Mayor Morley: If you...

Mr. Klammer: No I thought the seven is part of the...

Mayor Morley: If could go by...get to the two hundred...you can get to the two hundred like that. If you are adding in the administration cost of Carolyn scheduling, you scheduling, you and Lenore going out, then us sending bills from here you are going to hit the two hundred like that.

Mr. Klammer: I'm just wondering whether it's easier because then you don't have to worry about using...if it was just a flat fee of \$200.00 and it covers the clean up, the administrative cost, and it covers everything. Then you don't have to worry about sending each individual bill over to Ms. Schindel you would just tell her the property and \$200.00 would go on or \$100.00 would go on. Do you know what I mean?

Mr. Spotton: Do you ever run into a problem where the lot is so bad that the bill is a heck of a lot more then mowing the lawn.

Mr. Menn: Oh yeah.

Mr. Spotton: We're talking about mowing the lawn and it costs \$20.00, but if you pay...if it's a \$200.00 fee and then we go into a house that's...it costs them \$180.00 to clean up then we could be on the other end of that.

Mr. Menn: If he gives me a bill for a couple hundred dollars that's huge. That usually comes in the fall when all of the leaves, bushes...

Mr. Spotton: Abandoned houses or something that really rough that's been rough for a long time.

Mr. Menn: There are only a few of them that are really rough.

Mayor Morley: I think that the bid that we just put out we added some extra things like with the trees and different things that we didn't have on last...because the bids are due back by the 16th or 17th right?

Mr. Menn: Yeah here's one...four hours...4.5 hours \$79.88 is what he charged. Who charges \$79.88?

Mr. Klammer: Can you let me look at it and I will talk to Ms. Schindel. She may say if you need to do a flat fee period.

Mr. Menn: And then if he...maybe if he was over that amount threshold we...

Mr. Klammer: Add it on.

Mr. Menn: Add it on to his regular bill or something.

Mr. Kasunick: Mr. Hoefle?

Mr. Hoefle: Mr. Menn one of the things that I was wondering is if you sent the guys in to cut it what height requirement are we asking them to cut it?

Mr. Menn: Eight inches.

Mr. Hoefle: So they have to get it down to eight inches.

Mr. Menn: No eight inches or lower. But we site it in inches.

Mr. Hoefle: I'll be honest because I've had some properties over the years that sometimes I've been called in years ago to help clean up some properties. I had one that was as high as \$300.00 just to clean it up because when I walked in...you're bringing in a big forty-eight inch mower and you can't see anything that in the ground there and as you're going along all of a sudden you hit a pipe...you bend the spindle and you bust up your blades. These guys might come in and just say I'm going to cut...keep my thing up as high as I can because I can't see what I'm encountering. Like I said I had one that \$350.00 just to clean up a backyard and a front yard.

Mr. Menn: Usually what he'll do is he'll question us...he'll call us and say "Hey I have to cut this two or three times what do you want me to do?" And I'll say "Cut it two or three times. Whatever the bill is it is."

Mr. Hoefle: Then you have to bag all of that grass.

Mr. Menn: We've had this guy for a few years now and he has to re-bid because it's an open bid this year. But he'll even call me and say "Dave this is going to take a lot of man hours what do you want me to do?" And I'll tell him "Go ahead and do it." So he is pretty good about that. And he also has to take pictures before and after, so if anybody questions whether he even did it. Because sometimes that's what an out of town person will call and say "Hey your guy didn't do my landscaper did it. He billed me for this." We go back and we find the picture and we find his bill and match it up and say "Here you are."

Mr. Hoefle: I had one that was in the state where a law firm had hired me to take care of it to get it cleaned up, and I had one in Concord where it was 80 bags.

Mr. Menn: If you want I will go back to Ms. Schindel and ask her what she thinks about the rate. What our cost may over all be and the next time you guys have an ordinance meeting I will bring it back up.

Mr. Kasunick: Mr. Spotton did you want to say something?

Mr. Spotton: I was just saying that's the same argument that I was talking about that depending on what you get into we can't just have it...

Mr. Klammer: Flat fee.

Mr. Spotton: Flat fee there has to be some mechanism to adjust for a problem like that.

Mr. Hoefle: In some cases too you could have a front yard that they are able to get into easily but then they have a gate that's only three feet wide and you can't come in with the heavy equipment. You're going with a small push mower and that's where the time can build up too.

Mr. Menn: Correct. So I just want you to think about it and show you what the other cities are at and just...maybe it's time for us to adjust that's all.

Mr. Klammer: You don't need this for the bids though right?

Mr. Menn: No. The bids are...

Mayor Morley: The bids are out.

Mr. Menn: Due March 15th.

Mr. Klammer: The change doesn't screw it up.

Mr. Menn: Yeah and like I said this guy charges by the clock not...he has a minimum rate but it's also if he can get it done in ten minutes or a half hour whatever that...

Mr. Kasunick: Okay so do we want then to hold this in committee and maybe just have a brief Ordinance Committee Meeting before the next Council Meeting to give you guy's time to talk to Ms. Schindel? And assuming that she says \$200.00 is a reasonable fee and that's a good flat fee and it would be simpler that way then we can just move it forward for then.

Mr. Menn: Yes.

Mr. Kasunick: Mr. Overstreet does that sound right?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I just want to make sure that there's a mechanism that the \$200.00 fee is not...there's got to be a way to adjust up so we're working on that.

Mr. Klammer: The greater of.

Mr. Spotton: The greater of or whatever it might be then yes I am for moving it forward.

Mr. Menn: Yeah then I wrote that down.

Mr. Spotton: Yeah.

Mr. Kasunick: I don't know about moving forward, but do we want too...

Mr. Spotton: Hold it to the next meeting I'm sorry.

Mr. Kasunick: Hold it to the next meeting. Do we want to schedule maybe 6:30 p.m. before the next Council Meeting? Would that be okay?

Mr. Menn: Let me talk to her and then I'll email you.

Mr. Kasunick: Or just come back to us.

Mayor Morley: Yeah we'll have time before we have to start cutting grass too.

Mr. Klammer: Yeah just put it in Council-As-A-Whole...

Mr. Menn: If you have another Ordinance Meeting for something else I can always throw it on there too.

Mr. Kasunick: Yeah I'll just say hold it in committee.

2. Discussion regarding amending ordinance for used automobiles.

Mr. Menn: I had another subject that came up but our Law Director can take the lead on this one.

Mr. Klammer: I don't know if it was on there but I know that the Council President...but I'm just throwing out there from time to time we get the...back in the 1990's we passed a 50% used car provision that you can't sell used cars unless you have 50% new cars. But we are coming on our third incident where the existing used car dealer either wanted to expand...Mr. Arco didn't expand but he had lots on that...he had cars on that corner lot...

Mayor Morley: Corner lot.

Mr. Klammer: Where he the...building so when he knocked that building down he promised to pay or at he put...

Mr. Menn: Pavement.

Mr. Klammer: So allowed him to put some additional cars on the footprint where the house was...we had the lady who moved in the...and we thought she could go across the street, which I think was a bit of a heart ache for her. I think Bruno is looking to expand his lot to the place next door and clean that building up. But unfortunately the ordinances don't allow any of that stuff unless they are selling new cars. It doesn't seem like the ordinance worked to actually bring in any new cars. But we haven't really gotten any new used cars, so what I was proposing as you could change it and make it a conditional use permit in that area. Not a permitted use but a conditional use so if somebody wanted to expand or if there was a new one, or we want to limit it

to existing businesses that they can go through the conditional use process for used car sales. At least that will allow you some flexibility to accommodate the ones that are expanding. And if a good one comes in at least you have some flexibility and right now the answer is no, no matter what. I'm just not sure that would work to what it was supposed to do back in the day.

Mr. Evers: I thought that it was also supposed to limit any new dealers coming.

Mr. Klammer: Yeah because it would require to sell new cars too. I think that we are kind of running...three not a lot more places they can go right? We're out of spots.

Mayor Morley: No the problem is that it's not...no one's going to come in...I mean Classic's not going to come in and be able to do car...and that's the way that they read the ordinances. I was telling Mr. Klammer is some of the ones we have to get them cleaned up, but some of the other problems are just that...we've been cleaning up Vine Street and we want to continue to clean up Vine Street. I guess where people are already own the property or that property is right there is where the issues have been coming. A couple we found out by...they all rat on each other. The car lots all call and turn each other in anonymously. Because I was telling Mr. Menn sooner or later I'm just going to meet with all of them and go "You guys can fight with yourselves...just like the neighbor stuff don't bring us into your issues." I think there has to be something for the existing...like I said I still say that we continue to...if someone wants to buy the lot across from Arco where that ice cream store is we don't say "Yeah we can put another used car lot." I am against that. But with Arco and the house that he tore down...we got some ache on that but he already had the land he just tore the eye sore house down and parked more cars. The thing where they are talking about on Vine Street they are going to try and fix the eye sore and that would be good if the eye sore is fixed. But then again there's a couple and we've gone after them that we've found that we didn't even know where there. The one the guy called, he doesn't live in the city that he thinks he got ripped off. That's how we found out about the one car lot was hid down one of the streets. Because they come in and tell him that we're doing this and all of a sudden the cars just keep creeping up until we find them. Like the Chief and I went into the one guy's and said "We're going to start ticketing tomorrow" and then he got rid of all the cars. We are going to ticket every unlicensed thing by tomorrow and the guys got rid of fifty cars just like that. But again it's not a Police Department we don't go and try to...when they get called in we find out things.

Mr. Klammer: Yeah we have had those ones from time to time...how many do we have left? Do we have any where they do the internet car sales?

Mr. Menn: I think one or two...a couple of them.

Mr. Klammer: Yeah we let them do internet car sales but they are usually industrial.

Mayor Morley: And the cars are inside too there is nothing outside.

Mr. Klammer: So I was just proposing as a conditional use so that they would have to go to the Planning Commission then they would have to come to you guys if it is something that you want

to accommodate it keeps coming up. It's really up to you guys. I don't think there are a lot of instances that would come up but it does create some aggravation.

Mr. Kasunick: Is there any discussion on this issue? Mr. Overstreet?

Mr. Overstreet: My thoughts on that are I don't think that we need any more car dealers in the city. But if somebody wants to expand something and can do it tastefully then we'll look at it.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I agree...kind of like that. I don't want any new dealerships showing up but on a case-by-case basis they go through the process and they remove something that's really in bad shape and they pave it and expand their lot a little bit...remove something that we don't want there anyway I'm alright with that.

Mr. Kasunick: Mr. Hoefle?

Mr. Hoefle: What about the guys who pop up the hoods and they advertise with sign underneath the hood now? Especially with the sign ordinance...boom pop up all the hoods and then they have all the signs.

Mr. Klammer: We haven't had a lot...

Mr. Menn: I can bring it back at the next...

Mr. Klammer: Yeah and it will be a conditional use permit too.

Mr. Menn: It will have to be something.

Mr. Meyers: If we're going to address this do we want to address like...lot moved and bought a new location do we want to address that or do we want to leave it...

Mr. Evers: She could put it where ever she wanted it.

Mr. Meyers: That I understand. I'm saying, say she bought another lot.

Mr. Evers: That's a new dealer you're not allowed.

Mr. Klammer: And that's what...that's the existing ordinance if you wanted to accommodate her because she was a...I don't know what she...

Mr. Evers: Previous.

Mr. Klammer: I don't know what her reputation was but if she was a good business lady and you wanted to accommodate her then you didn't have the flexibility...

Mr. Evers: They're all good business dealers for used car sales.

Mr. Klammer: But you didn't have the flexibility to do it if you wanted to that was the problem.

Mr. Meyers: I'm just suggesting say she was to purchase Arco and said "Hey I want to move there I'm purchasing this existing lot." If that is something that we would want to accommodate or are we...

Mayor Morley: That's a different story that it's already there. I've had many discussions with her and he's had many discussions with her. And I've gone there on a Saturday and just said "What are you doing?" Again here's the problem when he gave a little latitude on Alan especially about parking...we don't want any cars outside and then again go out there on a Saturday there's twenty cars out there. We stayed on her and we looked like the bad guys again. It's like when you sign your CUP it says this is what you are supposed to have then that's what you're supposed to have. We would go out on Saturday's I would go by there because everyone would be calling and turning her in.

Mr. Evers: What was that guy on Beachpark Avenue?

Mr. Menn: He was actually a dealership in Willowick or Wickliffe and he brought a few cars home and he was parking them in the yard.

Mr. Evers: He had five or six cars on the weekend and he would park them all over the street. Not even put a For Sale sign on them.

Mr. Menn: Then he bought the house across the street and put them over there. He's gone and I haven't had any trouble with it.

Mr. Kasunick: Alright do we want to do the same thing with this issue? Just the Law Director will write something down and we can just approve it before the Council Meeting or Council-As-A-Whole or something like that, or next week.

Mr. Meyers: It probably won't be next week.

Mr. Menn: I will send it to you guys probably by email so you can look at it ahead of time.

Mr. Klammer: I'm going to be out of town next week but I will get you stuff before I leave.

Mr. Kasunick: Mr. Overstreet is that fine with you?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Pardon? That's fine with me.

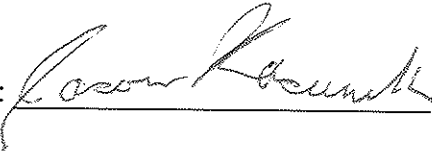
There were no questions or comments.

RECOGNITION OF PUBLIC

There was no one wishing to speak at this time.

The meeting was adjourned at 6:43 p.m.

tms

APPROVED: 

DATE: 4/9/19