

Planning Commission Meeting Minutes
November 6, 2018

The Conneaut Planning Commission met for their regular monthly meeting on November 6, 2018, beginning at 6 pm. The Pledge of Allegiance was recited. Role was called; in attendance were Mr. Zingaro, Ms. Notte, Mr. Sedmak, Mrs. Spencer, and Mrs. Gaugh. Mr. Sedmak made motion to excuse Mrs. Parlongo and Mrs. Gaugh second the motion. Roll was called - all approved – motion carries.

Mr. Zingaro asked if everyone reviewed the minutes from October 2, 2018 meeting and if there were any corrections. No corrections. Ms. Notte made motion to approve and Mr. Sedmak second the motion. Roll was called, all approved. Motion carries.

OLD BUSINESS: Ordinance No 28-18 Site Plan Review AMMEND to Ordinance No. 71-18 Site Plan Review

Mr. Smith – Under the Ordinance that passed through Planning & Council in September 2018 it specifically exempted any building with ten thousand square feet or less did not have to go through the Planning Commission for review and allowed the Zoning Manager to approve without any input from the Planning Commission. There has been discussion about this and Council would feel more comfortable if everything came through Planning Commission first.

Mr. Zingaro- The corrections are on page 2 – Section 1135.04 Approval Process sections (a), (f), (g) and (h) have been amended to reflect the changes of the approval process.

More discussion about the many changes to the zoning code that needed addressed in the last forty years and why our City took information from the City of Mentor to create Site Plan Reviews because we did not have anything in our code. We used Mentors information as a tool and/or guideline to help us find what works for our City.

Mr. Zingaro – If there is no further discussion, I will entertain a motion to approve revised Ordinance No. 71-18 Site Plan Reviews to replace Ordinance No. 28-18. Mrs. Gaugh motion to approve, Mr. Sedmak second the motion. Roll was called – All approved – Motion Carries.

Miscellaneous Business – Bed and Breakfast

Mrs. Gaugh – I have been on the board for six years and for six year’s we have set it aside. I’d like to see that we do not do that anymore and I would like that in the minutes.

Mr. Smith – Does everyone have a copy of the draft legislation

Mrs. Gaugh – Asked Mr. Smith if he received her email in regards to look into that ... no grandfathering in (not audible what Mrs. Gaugh asked not to be grandfathered in)

Mr. Smith – The grandfathering part I will need to look at, but I would like to at least get the legislation moving at some point. There are two (2) parts to the legislation. One was having some

type of annual inspection from the Health Department and the Fire Department. Second is to have a registration process where they pay a fee every year, which helps the City because there is a bed tax that comes off that.

Mrs. Gaugh – So the City gets part of that as a bed tax.

Mr. Hockaday - Bed tax is divided- the County imposes a five percent bed tax and the City imposes a three percent bed tax. That goes into a line item for the tourism board and the way it is currently divided up right now – under thirty thousand (30K) dollars in annual generation of bed tax a hundred percent of that goes to the tourism board and there budget line item that goes into the promotion of Conneaut for flyers, brochures etc. and that is who pays for all of that. Once that revenue exceeds thirty thousand (30K) dollars annually – for example thirty thousand and one dollar – sixty-six cents will go into tourism and thirty-three cents will go into the general revenue fund to support police and fire and other operations of the Cities that have them come to town to support them like D-Day which costs us fifteen thousand dollars or more a year. After a hundred thousand (100K) dollars of total generation that money drops to a fifty-fifty split – fifty cents for tourism and fifty cents for the City.

Mr. Zingaro – Is there any changes to Zoning that will duck tale with the Bed and Breakfast

Mr. Smith – There is a number of things to look at – first, are you going to allow a Bed and Breakfast in every residential district or not. We talked at one point about having Conditional Uses – that opens up a completely new Pandora’s Box because typically what happens on a Conditional Use is that it can be geared for different Uses. So for a Bed and Breakfast it may have a Conditional Use with certain criteria and a Conditional Use for a gas station may have different criteria. What you have now in your zoning code is probably four pages of single space Conditional Uses that applies to everything. The key thing is to encourage this but you also want to protect residential neighborhoods.

Mrs. Gaugh- So, like with residential neighborhoods – would the people around there have to be aware there will be a Bed and Breakfast put in or not.

Mr. Smith – Yes, we can add that verbiage to the code. There are so many different versions on how this could operate. We could start pulling things up from different places and see, but you can put all kinds of different things in there

Mr. Hockaday – I would tell you that the thing to get firm in your head first before you start down this path is- The Definition Section – B&B is there a central common area to the building, is there food service, stand-alone bedroom that you are renting, so there are multiple families, kind of like a hotel, where they are potentially renting different rooms. Then there is the AIR B & B/VRBO (Vacation Rental) – are we treating that differently than Grandpa’s Castle or are we treating it the same. The one legal issue you need to aware of is: If you decide to rent your home on a monthly basis, other than the rental inspection program, there really is nothing that precludes you from doing it and you are operating that home, single-family as it was currently constructed. If you do an Air B & B, you are essentially doing the same thing. I do not know that here is a lot of teeth that you can throw into that.

Mr. Gaugh – Are there a lot of Air B & B’s in Conneaut

Mr. Smith – Let’s define on what we are talking about an Air B & B

Mr. Hockaday – That is where you rent the entire home

Mrs. Gaugh – You can rent a house or you can rent a room

Mr. Smith – Going online is typically associated with an Air B & B and there are different categories that rough draft legislation does not cover. Another example is people that rent a home

on the Lake Front for thirty (30) days – it is a home rental it is not really considered a B & B, but is that something that you want regulated.

Mrs. Gaugh – You mean like the cottages

Mr. Smith – Yes, because the way it is defined right now is anything under thirty (30) days, if it is over a thirty (30) rental – than it does not fall into this, and that is part of the problem trying to deal with this.

Mr. Hockaday – That's the taxing mechanism, so the taxing mechanism defines transient vs non-transient. Non-transient is you are renting in thirty (30) days or greater. Transient is renting by the day, week, weekend, month etc.

Mr. Smith – If you all would like we can sit and discuss all of this during our December meeting with everyone having their draft copy of the legislation.

Mr. Hockaday – Please be careful of the nomenclature issue, because there is a definitive nomenclature issue with this. When you say B & B, it may not be what someone else's understanding of B & B is. Make sure you know the difference between a house rental and a B & B, because they are definitionally different.

Mrs. Gaugh – So when they have a sign in there front yard and it says so and so's B & B, and if they are renting the whole house – they need to change their sign.

Mr. Smith – No, because a rose by any other name is still a rose and the point of this is and it doesn't matter how you call it and I wouldn't call it an air b & b or even a b & b. I think the way it was in there is transient lodging, and the way we are trying to define it is, anything under 30 days whether it was the home being rented or the owner lived on the premises, there are so many variations on this that I think you are going to get into trouble if you try to make a distinction between each variation. I think you come up with the thirty-day definition and then at that point if you want to sort out cottages from owner occupied and that brings up whole other issues.

Mrs. Gaugh – Is there any other communities around here that has – well take Geneva – on – the – Lake for instance – they have cottages they rent- so do they have those definitions so we can look at them.

Mr. Smith – No, I have gone through a whole series of these things and the best one I saw so far has been Solon. A lot of these are not regulated to any great degree. I mean in terms of having registration, fire inspection or house inspections, at least the stuff I have seen in North East Ohio that's been less common than just not regulating or just having something ... and I can bring stuff to the next meeting

Mr. Sedmak – You had said something about grandfathering it in – what do you mean

Mrs. Gaugh – Well, if you are going to register them, everybody has to be registered so that we know what is out there

Mr. Smith – yes that can be grandfathered in

Mrs. Gaugh – Not from June 1, 2019 forward – we would have to go back

Mr. Sedmak – So, you are talking about the registering going back

Mrs. Gaugh – Basically, yeah

Mr. Sedmak – The Bed and Breakfast's we have now – the ones that are legal and illegal. Are there any problems

Mr. Hockaday – I would say for the most part we have gotten a lot of compliance. Right now, I think there is maybe one person that we ever have any issues with, that just hides from us.

Mr. Sedmak – but for the most part there has been no issues except for maybe that one person.

Mr. Hockaday – Even long standing people that fought us for years and years have really come into compliance. Any legitimate lodger that we have, we have had no issues with.

Mr. Sedmak – I think we have to make it lenient

Mr. Smith – In terms of including everybody, yes I don't have any issue with that for the most part we haven't had any. But, as these become more popular there is going to be more situations where there is going to be issues and I don't think that we have to really clamp down. I'm not suggesting that. I do think having registration is a good idea because that ensures bed tax and I think having some type of inspection process, like our rental inspection – one page ensuring there is a regulatory structure there and if anything further develops, we will be in a position to address it.

Mr. Hockaday – We are up over last year about ten percent. Now I have not broken down all of it but there is growth in bed tax receipts and revenue.

Mr. Smith – The 3 percent bed tax did not go into effect until May or June of this year

Mr. Hockaday – Right – so it is only a partial look

Mrs. Spencer – But the registration process would help the new B &B's know that there is this new bed tax liability – right

Mr. Hockaday – Sure ... sure and there a number of different things going on as well. The County has yet to re-establish a new bed tax administrator. They have an interim person right now; Carl Feathers is no longer there. Right now Jaimie Arcaro who works in the Commissioner's office, but they have yet to fulfill that position. Whatever the County ends up doing, I would like to make sure it is coordinated; they understand they not only have to remit to the City but they have to remit to the County. There collecting monies is not owed to them, they are really just a pass through at that point of collection (Mrs. Spencer – trust fund), so it is not like it is costing them money to pay bed tax (Mrs. Spencer – there is still effort there) – I understand, that money they do that with goes to promote their business, so it goes to the Ashtabula County Convention and Visitor Bureau, Conneaut Visitor Bureau.

Mrs. Notte – Just one added comment on the VRBO and the AIR B & B just as a visitor of several. A lot of communities or a lot of adds I have seen are not even buildings, like an RV in the back, some small carriage house, I have even seen it where it is a yurt. So, I do think the definition piece will be important.

Mrs. Gaugh – Yes, and I am really curious on the Lake Communities on how they differentiate between rentals downtown and their cottages – I mean definition wise.

Mr. Hockaday – I can tell you Geneva-on-the-Lake, they had no inspection program for anything what so ever until five or six years ago. It was an absolute dogfight, and part of the dogfight was; Is it a seasonal rental or is it a year round rental. What we kind of agreed to there is, it does not make a difference if you are renting it by the day, week, month etc., it does not really matter. It still needs to have hot and cold running water, needs to be safe, and so on. There were a number of lodgers there that were adamant that they wanted more regulation, and that is a trend you see amongst developed lodgers because, they don't want a tourist coming into town, having a really bad lodging experience because it destroys the brand for the entire town. I am not sure if we are to that evolved level yet, I mean we would want something to be safe and know where it is and so on and so forth.

Mr. Smith – The key is to have a standard and it does not have to be Shaker Height standard – it just has to be a standard. What happens is people start to understand that standard and then eventually, the market starts to take over because now you are getting a better clientele coming in, and a better clientele is not going to want to back into somebodies mobile home, so you have to to have some type of regulation there but let the market dictate how far that standard goes and it will. It is something we found at Geneva-on-the-Lake that once we started putting standards on rental

inspections and tearing down houses, the housing stock cleaned up dramatically over a period of about four years. There is still a ways to go but we are tearing houses down there too and people are investing. There was an empty lot that sold for twelve thousand dollars (**Jim Hockaday**- and lots at Geneva-on-the-Lake are about the size of this table).The people that want to develop, the first thing they look at is, is the community involved in standards and code compliance because nobody wants to invest money if there are no standards in place.

Mr. Zingaro – We will have to turn a deaf ear to those excuses we hear that they are taxing us to death. It is immaterial, if you want to park in downtown Cleveland you are going to pay the parking tax no matter what the price because you want to be there. It is not a question anymore when you hear you are just taxing our renters. No, we are not – the renters will pay.

Mr. Smith – When we came in here 3 years ago we started going after meth houses, and with the meth houses, not only were we prosecuting people we were condemning the house unless they are remediated. That is about a 15K-20K bite, and that is a victory because it is not being torn down and there is still some taxes coming out of that. Asking Jim – how many houses have we torn down in the last three years?

Mr. Hockaday – Total that the City has compelled torn down probably about 60, total houses that have been torn down is double that number and some of that is private investment – you weed out the bad and bring in the green shoots around it and that is always good.

Mrs. Gaugh – Originally when we did this rental inspection when we had that committee, which I was on, the hope was that you would catch the houses that were going downhill before they got too far gone and there is a couple that I do not see that happening with.

Mr. Smith –But, there are others that have – people are making the improvements or maybe selling and someone else is coming in. This is a lake front community and lake front communities are normally expensive places to live and I don't want to see anyone priced out on anything, but we could use ...

Mrs. Gaugh – We could use come clean up from Route 7 to the Lake corridor

Mr. Smith – I mean, we could use some new money coming in, and nothing is coming in.

Mr. Hockaday - This takes time and it does not turn on a dime. There are so many complex factors that play, but even basic health and human safety element of it. I can tell you we have completed five Administrative Search Warrants in the last 3 weeks.

Mr. Smith – An Administrative Search Warrant is going into an abandoned house or a nasty house and we are averaging about forty to fifty a year now. Where we go in, get things inspected, and get the health department involved.

Mr. Hockaday – That is not the Police Department – that is Housing & Zoning, The Health Department, City Sewer, these are administrative agencies. The thing I am most encouraged about is getting one department to talk to another department, has always been a monstrous challenge, however we are seeing significant changes in the collaboration of City Departments and recognizing issues and addressing those issues together.

Mr. Smith – Talked about Zoning Code changes and the future of the City of Conneaut and thanked the Planning Commission for volunteering their time and all their hard work and efforts.

Mr. Zingaro - As we talk about the Bed and Breakfast we will begin to look at this at our next meeting. What about the other concerns we had like the sign regulations.

Ms. Shubitowski – Janet & I had a few things we wanted to bring to your attention. I believe I sent the PDF version of the last Zoning meeting we attended. It covered political signs – if you allow a real estate sign with no limitations, you have to allow a political sign with no limitations,

Mr. Smith - And it goes a lot further than that. They reference a case about a church that moved

around and displayed signs in the tree lawns to advertise meetings, etc. This violated the town code and this case went as far as the United States Supreme Court. The court ruled the code was unconstitutional and this leads into what we are talking about. You cannot regulate what is on the sign or regulate the size of a political sign.

Mr. Zingaro – What about the electrical signs

Ms. Shubitowski- The other thing is our Billboard Code that was passed in 2015 has a limitation of 200 square feet. Industry standard for the largest billboard is 672 square feet. Do you want to allow the big of a sign on Route 20, there are a lot of things to consider – it does not cover illumination at all. Some things for you all to think about.

Ms. Notte – I think it is very clear we need to bring the code up to Industry Standard whenever we do allow it. Has there been any complaints about illuminating signs – for example the Library. I guess that is not in a residential area – but Good Shepard has one now

Mr. Zingaro – I would not want to see somebody rent there property over here on Route 20 who puts a 600 square foot electric billboard out there. The State must have regulations about illumination

Mr. Zingaro – The other one dealt with Melanie is

Mrs. Shubitowski – The other one dealt with Section 1133.01 General Provisions regarding fences, which we are about the only community in the area that requires a finished side of the fence must face out unless a variance is requested.

Ms. Notte – I feel like that is an area that would have complaints

Mr. Hockaday – It has complaints

Ms. Shubitowski – We have had a few cases come before the ZBA where letters went out to the neighbors and only one neighbor did not agree, however she sold her house before the case was heard and the new neighbor did not have a problem with the fence.

Ms. Notte – I feel like this could cause a lot of complaints – is this something you are asking us to change

Mr. Hockaday – I am ok with the good side of the fence facing the neighbor and feel that people can buy double sided fences or add panels if they want the good side facing toward their property. There is somethings that the ZBA hears all the time and that is temporary sheds, there is a line in our code that reads if it is not permanently affixed (temporary) it is only required to be one foot from the property line – that does need to be looked at and changed for safety (fire) reasons and should be looked at the same as a permanent structure or better defined for moveable non-bound shed and the size limitation of the structure (8 X 8 or smaller – considered moveable)

Mr. Zingaro – Does the changes to the sign/shed codes have to originate any time soon

Ms. Shubitowski – No, I don't think there is any urgency on them

Mr. Hockaday – I think the next one after the B & B should be the septic rules, we have to address the septic rules – it has been clearly identified in the Comprehensive Plan and we need to address it. I think they even highlighted all the parcels that were non-compliant that were unbuilt non-compliant parcels. What I am worried about is if someone bought it when it could be a house and then they are told it does not meet the minimum lot standard to build

Mr. Smith – You have to be careful there because the Board of Health has stuff on that too and there may be Board of Health stuff that covers that.

Mr. Hockaday – I understand, but there is no reason why we should continue to allow people to sub divide lots and decide they are no longer buildable if there is no sewer. The question is what do we do with the existing lots that have already been fractured, that's the one I don't know. Do

you see what I am saying; because they bought it understanding it was buildable, now you are taking that right away from them.

Mr. Smith – There are onsite (large lot) and offsite (small lot) sewers along with regulations from the Health Department.

Mr. Hockaday – We are ok with that – we should not be allowing lots to split of into five thousand square feet increments in non-sewer districts if sixty thousand feet is the minimum for a septic tank. We are creating non-usable lots

Mr. Smith – I disagree with that because there is off site septic tanks designed for smaller lots. What Geneva on the Lake is doing now is they are coming up with minimum lot sizes.

Mr. Hockaday – We have minimum lot sizes, it is spec'd for sewer, and non-sewer but the non-sewer is tiny- less than 400 square feet and even the off-site septic tanks will not work. What I am saying that wall ever the Health Departments standards are for even the off-site systems, if it is fifteen thousand square feet then our non-sewer lots should be a minimum of fifteen-thousand square feet. The pre-existing lots are the pre-existing lots-that would be there argument for getting that system. What I care about is when we divide new properties, that we are dividing them to something that is useable and valuable. Why would we allow people to create unbuildable lots in our community – that does not make any sense?

Mr. Smith - I guess what I am still having trouble with is that we are determining a lot that is forty feet wide and a hundred feet long to be an unbuildable lot and I am not sure that is accurate or that it will hold up.

Mr. Hockaday – It is...that is what is there now. There is a standard in the Health Department and if we can't meet that minimum standard

Mr. Smith – What I am saying is that we did not meet standard in N Kingsville and I went on a court of appeals

Mr. Zingaro – Is there any more discussion on this topic or any other issues. If not, I will entertain a motion to adjourn

Mr. Sedmak made motion to adjourn

Ms. Notte – Second the motion

Roll was called – All approved.

Meeting adjourned at 6:50 p.m.

Joe Zingaro, Chairperson

Melanie Shubitowski - Clerk

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