

MINUTES OF STREETS & SIDEWALKS COMMITTEE MEETING
August 13, 2012

The Meeting of the Ravenna City Streets & Sidewalks Committee was called to order at 6:00 P.M. by Chairman, Jack Ferguson. In attendance were Sharon Spencer, Fred Berry, Frank Seman, Bruce Ribelin, Amy Michael and Fran Ricciardi. Also attending the meeting were Mayor Bica; Law Director, Frank Cimino; Finance Director, Kim Cecora; Service Director, Kelly Engelhart; City Engineer, Bob Finney; Utility Billing Supervisor, Mike Reynolds; Police Chief Tim Adkins; Police Captain Jeff Wallis. Also attending was Hanna Wallis and Donna Swigart of 528 East Riddle Avenue, Ravenna.

Mr. Ferguson said the first item on the agenda is the appropriation increase for the streetlights.

Ms. Engelhart said the reason they are asking for an additional appropriation in the amount of \$2,589.00 for the upkeep and maintenance of the streetlights. There have been several streetlights that have been run into and they're trying to keep two poles as backup so when they have these they can get them into place as well as the lights that go on top of them. They get a discounted rate if they order two rather than one at a time. There currently is not enough money in the streetscape maintenance budget.

Mayor Bica said that it's really if someone takes one down because they are charging the insurance companies for the cost of the poles but they like to keep them in stock.

There being no further questions or comments, it was decided by those present that a tracking sheet would be submitted for Finance Committee approval.

Mr. Ferguson said the next item for discussion is no parking on Garden Street.

Ms. Spencer said she was approached by a resident on Garden Street. She did go down the street and look at it. It is every bit as narrow as Avon Court, if not worse. It appears there are only two residences that actually have driveways south of Garden. All of the residences are down the street a little bit. She thinks it might have been a right of way at one time and it was changed and came out onto Main Street.

Mr. Finney said it was labeled as Garden Court. Garden Street goes to Highland Avenue. He doesn't know how it evolved. He does know at one point it was private property. It wasn't too long ago, at John Tontimonia's request, did accept the 20 foot right of way and it was improved with a water line and he knows the gas company came through and improved it also. From edge of pavement to edge of pavement, it is 20 feet. That is the right of way.

Ms. Spencer said there are no residences right on corners. They are down the street a little bit. The street is so narrow that if anybody parks in the street, you can't get by. If there were an emergency, there would be no way anybody could get there. She would be in favor of making the whole street no parking rather than one side or the other. Just seeing how narrow that street really is, she would be in favor of having no parking on the whole street.

The clerk suggested that they have a public meeting prior to writing the legislation and having to put the legal notice in the paper, etc.

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Those present concurred and requested the clerk to schedule a meeting and send notices to the residents.

Ms. Engelhart asked if there are any others they want to talk about because what they're going to create Avon Court and then Garden Court; are there any others along there that are going to say the same thing. Pretty soon, they are creating no parking on all the roads that are narrow.

Ms. Spencer said the only other street she can think of is maybe Beech. She can't see there has been any problems with it.

Mr. Ferguson said the next item for discussion is the issue of no parking on tree lawns. This is something they've kicked around for months. Mr. Finney provided them with information.

Mr. Finney said Council is not in favor of enforcing parking on tree lawns. The intent was to come up with a resolution as to either enforcing it or not enforcing it. They have it in black and white that says they aren't allowed to do it. The question was, what is Council interested in doing to either selectively enforce this or come up with a permitting process.

Mr. Ferguson said at one point they talked about anything being improved, whether it be concrete, asphalt, gravel, made a parking area. It was said at one time that if they went that far, they should be allowed to park there. All these other folks who have not improved and are just parking on their grass or sidewalks, those are the ones who were going to be in violation.

Mr. Seman said they did say not to issue any more. Did any one come in requesting them.

Mr. Finney said for the most part, for the last six months, unless Maureen saw somebody parking in the reverse of the flow of traffic, she didn't ticket them.

Ms. Engelhart said there is no process for people to come in and request a permit.

Mr. Seman said if they are going to concrete or improve them, there should be.

Ms. Engelhart said that's city property and there is no process to allow them pave or gravel city property. It's their opinion, she thinks she and Mr. Finney both agree, if they are going to do that, they would recommend widening their driveways if possible or put their driveway behind their house rather than use city property. That's what they are saying. There is no process in place to approve a permit for taking city property and using it for their own personal use.

Mr. Seman said unfortunately, the process they had in the past was probably verbal permission from city employees.

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Ms. Engelhart said that they don't have a problem if it's something that could come before Planning Commission so that it's not the City Engineer or the Service Director who is granting that permission. They wanted to do that as part of the process. The law director has stated in the past that he feels if it's an ordinance that's on the books, they should be enforcing the ordinance that's on the books.

Mr. Finney said one of his major issues with allowing people to park on the tree lawn is that it's turned into a convenience for them. Either they have the land to extend their driveway or they just don't want to jockey cars around. The driveway is long enough so they get a load of gravel, dump it in their tree lawn and park there. He had one woman in a particular street say they have four full sized pickup trucks. Their driveway isn't long enough. One gets up in the middle of the night and leaves and they don't want to wake the rest of the family up. Does that constitute a reason to park in the tree lawn when they literally have another 100 feet of backyard they could turn into a driveway. The city would permit that. Or you drive by and see a car setting in the tree lawn and there's a boat in the driveway, which takes up a good area. He could enforce RVs but he doesn't. RVs are a whole other item, he doesn't believe the city code is fair in telling a resident they're not allowed to have their boat or RV in their driveway or on your property but when they have to park out in the street because their boat or whatever it is, is in their driveway, then he thinks there is a problem. To him that's not a hardship. He has to follow what's in the books. He doesn't want to exercise discretion because then it makes it look like he's playing favorites. He does what he can to maintain what is in black and white.

Mr. Ferguson said any way that it's done is going to cause discussion either politely or not so politely. He thinks Mr. Finney is right. They have situations that tell them which way to go and what they can and cannot do. If they deviate from that, they're not doing anybody any favors, especially themselves. They may be taking care of one person here but offend somebody else down the street. He feels they've got to go by the letter of the law or they are defeating their purpose and not doing their job.

Mr. Seman said then if you have a property owner whose property has been that way for 40 years and you're going to go and ticket them now and they have parked there every day for 40 years. What are you going to say to them?

Mr. Ferguson said the code said if they "improved" the area.

Mr. Finney said that's just a definition of what these areas mean.

Ms. Engelhart said tree lawn parking is not a driveway. A driveway is an entrance into your residence; ingress or egress.

Mr. Finney said the area between the sidewalks is city right of way. It's looked upon in the code that they're parking in the street, whether they are actually on the asphalt or beside the asphalt, that's all part of the city right of way; city street, whether that portion of the street is improved or not improved. This came about because they were pushing property maintenance,

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trying to clean up the neighborhoods. There are certain areas that may be more conducive to park on the side of the road where the road might be 30 feet wide like Elm and Walnut and two cars can still get by. Then there are certain areas where it starts to look bad. They start parking in the mud, gravel or dirt. His understanding is that Council wanted it cleaned up.

Mr. Ricciardi asked what is the question.

Mayor Bica said he thinks the question really is the administration feels they have to start enforcing tree lawn parking to help clean up the neighborhoods. When this was discussed several months ago, this council asked if they would put a moratorium on that until they discussed further, maybe some changes to the legislation. He mentioned at the staff meeting he was asking the police department to start issuing warnings, citations, to residents who are parking on the tree lawns, for a couple of months; courtesy warnings. They are trying to be a little more proactive without issuing tickets. They are back here again and he would hope Mr. Cimino would chime in on what the law is and what can be modified to be more conducive to what they are looking for.

Mr. Ricciardi said if the focus is on cleaning up the neighborhoods, he's not so sure that kind of off street parking is as bad as some of the other blights he's seen around the community that they don't seem to be attacking as diligently.

Mayor Bica responded that they are. The other blights around the community they talk about with exterior maintenance and lawns, etc., they are attacking quite aggressively. This is one of those last items they feel needs addressed, is the eyesore that tree lawn parking causes. It causes a lot of mud, extra vehicles; it looks bad. Again, there is a law in place that prohibits that. This body is the only one that can change that law. If they choose to change it or modify it then that's what they will abide by.

Mr. Seman said that if there was a date on it; if they knew when it was passed, they might be able to do something with it.

Mr. Cimino said he doesn't like the idea of somebody converting a whole single family to a multifamily and then say they need all these parking spaces to accommodate them. Sometimes it's an issue as to whether or not they even had permission to do that, create this multifamily unit. They may basically ignore the ordinances and create that kind of an issue for the City which is really wrong, in his opinion. As far as the ones that are existing and is something they've been doing for years, he thought there was a point in time when they mentioned doing some type of a phase out and that no longer was necessary for that family, then the off street parking is thrown out or no longer grandfathered in. It then terminates and you return it to the state where there is no off street parking, where they are just violating the ordinances.

Ms. Michael asked about businesses. As she mentioned before, Spano's has been a bar since 1939 and is one of the only local neighborhood bars remaining.

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Mr. Cimino said as he recalls, Spano's covers a lot of territory. Their front yard is basically two cars on the side of the bar and that's it. There are three parking spaces across the street.

Ms. Michael said the family owns across the street from the bar. That's why they put the gravel on the tree lawn which has been done for probably 50 plus years. It concerns her that this is almost a historic site. You just don't find any more local neighborhood bars. If this gets implemented, that bar will go down. There is no place for them to park. There are businesses that do utilize tree lawn parking; are there any provisions for businesses or are they treating every one the same?

Mr. Cimino said 1272.06 talks about the Planning Commission allowing parking in the front and side yards within commercial districts so if it's a commercial district, there seems to be some leeway in the statute to try to address that type of an issue. He honestly doesn't know if Spano's is in a commercial district. They would have to take a look at it. He believes the Big Dog may be commercial district. He doesn't know where the line is drawn. As far as this statute, it does deal with the Planning Commission drafting parking in the front yard area in a commercial district. It says, "the Planning Commission may permit parking in front and side yards within commercial districts". He appreciates the idea of people getting permission from individuals within the City. When they talked about it the last time, he thought there was to be some kind of a review to see what is out there; an analysis of what the parking is and then look to some kind of a policy that would deal with recognizing certain areas but they would not continue indefinitely. Once that need was over with or that family is no longer there, it would revert back what they require under the ordinance. It's not an easy thing to do but at least there is an ordinance that prohibits it and it is enforced and try to eliminate it as time goes on.

Ms. Engelhart said if they identify 50 or 100 of those that are out there. How does the current administration document those to say they have some kind of legally permitted approval to park there so when the next administration comes on board, they're not in the same situation asking how to enforce things from the decisions made previously when there's nothing documenting it.

Mr. Cimino said he agrees with Ms. Engelhart that it's not a very easy thing to keep track of. If they just went ahead and tried to go forward and removal all of the tree lawn parking, that would be the simplest way if that's what they want to do as far as prohibiting and eliminating it. But if they want to go ahead and try to come up with some kind of recognition that there may be something acceptable as a result of having been there for a period of time and supposedly gotten some kind of authorization from some member of the municipality to do it, he would guess they would need to document those specifically and indicate that it's been recognized that they have somehow established its right to be there for some period of time. If the necessity is no longer there, then he doesn't think that place should continue to have that ability. They would be in violation of the ordinance. If that's what the ordinance says and if it's where they want to keep the ordinance, trying to move toward eliminating it. It's a matter of identifying them.

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Ms. Engelhart said there is still the problem of documenting them. What they recommended previously was that they notify these people whom they identified and ask them to go through Planning Commission because that is not one individual of the administration; it's not the mayor; not the service director; city engineer who is giving permission to certain individuals.

Mr. Cimino said he doesn't think they should give people permission to do this.

Ms. Engelhart explained that it's not new people getting permission. It would be people who have had this previously and documenting them in some process so that they can go to the tree lawn parking file in their office and say they have permission to be there and their circumstances may change. At least then they have a way of saying to the police department who would be ticketing them or the property maintenance officer who would be ticketing them, those people aren't going to be ticketed because they have this paper that says they were approved previously.

Mr. Ricciardi asked if they have any idea at all about how many folks they are talking about in a given area.

Mr. Cimino said he thought Mr. Finney made up a map.

Mr. Finney responded that they did and Mr. Berry picked them up. He doesn't know what they did with the maps.

Mr. Berry said that the maps didn't identify the homes with tree lawn parking.

Mr. Finney said that it was his understanding that he and Mr. Ferguson were going to canvass the city and start marking on those maps as they drove through the streets who currently was parking on the street and then a list would be established. That was his understanding of why they wanted the maps.

Mr. Ferguson said he didn't see the map and he's right. That's what he and Mr. Berry said. That's what they were going to do. They haven't done that and he thinks they have procrastinated. If that's going to be the answer or at least part of the answer, then it's time to get moving and get it done.

Mr. Finney said with about 3,400 residential structures in the town, he thinks it's fair to say there are probably 250 to 300 homes. There are pockets of the areas and it's typically in the old village portion.

Mr. Ricciardi said that once these folks are identified, can they be given notice or have some kind of a public hearing, telling them anyone who is doing this and tell them by what authority they are doing it and go out and determine whether or not they have options as Mr. Finney has said. Sometimes options are available to them and they simply don't want to avail themselves of it or it's cost prohibitive for them to do it or it's just convenient for them to do it

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out on the tree lawn. He thinks they have to (a) identify, to some degree, who they are; (b) give them some notice to come in and tell why they are doing this; (c) tell them why they can't do it some other way and (d) maybe ultimately for those who disregard the notices and don't come in right of way, the police can put out a community reminder that they need to come in and tell them why they are doing all of this.

Mayor Bica said they were thinking of issuing the community reminders for a two or three month period. After that, if they have people who haven't gotten the message, then they can start ticketing and then the process can potentially go through the Service Director's office as to why they are not complying and what is the issue. But then they need some mechanism after that to try to get them to comply.

Mr. Ricciardi said that he's thinking even with the community reminder, if they can do something to have them contact a specific individual to explain why they are doing it and by what authority they are doing and what their alternatives are. He thinks they can explore it that way.

Mr. Ferguson said they have found some folks who said they were given permission by somebody.

Mr. Ricciardi said he doesn't think that's good enough, ultimately. He doesn't know of anybody administratively can go around the ordinance and authorize somebody to do something that is prohibited by ordinance.

Mr. Cimino concurred. No members of council, administration, etc., can say they have the authority to bypass an ordinance. He agrees with that.

Mr. Berry said but that has been done, even with some signs that were put up in the past.

Mayor Bica said that's what they are doing. They are taking down those signs, coming to Council and asking if they want them up, etc. Whenever they find one that doesn't have legislation behind it, they are removing them.

Chief Adkins asked if they could add something to the ordinance where they can ask for some kind of a hardship waiver. If they meet the requirements, they are issued a permit. There are permits they can stick in the window. At minimum if there is an ordinance that says there is a way for them to do that, then they can certainly issue the permits.

Mr. Ricciardi noted that Mike Reynolds said previously that some people park over the water meters.

Mr. Reynolds said when people park over top of the curb boxes, they fill up with mud, they break and makes getting to them very difficult.

Ms. Engelhart said sometimes they park over top of them on purpose when they know their water is going to be shut off.

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Mr. Seman asked if they are going to review all of the ordinances to see whether or not they are being enforced.

Mayor Bica said they are trying.

Mr. Finney said that if they institute a permitting process like they do for yard sales or a roadway work permit, something like that to allow the current owner to park there as long as they own the house. It would have to be existing right now; not new.

Mayor Bica said they are talking about only existing people who are parking and they would have to give a significant reason as to why they are doing this; what the hardship is.

Mr. Finney asked who would determine that hardship.

Ms. Engelhart said they would have to determine criteria. She thinks they would have to come back to Council with the criteria as to what they determine to be hardship.

Mr. Ricciardi said he thinks it's a good idea to give them some guidelines. They don't know all of the situations out there.

Mr. Finney asked if they want an appeals process for that decision.

Mr. Ricciardi said he doesn't think they want the appeals but he does think they want the people to come forward, tell them why and explore what other options may be available to them, even if it takes to have someone go out and look at the property and tell them there's 100 feet in the backyard, you can come off this street and park back there, etc.

Ms. Engelhart said that if a new person comes to them and wants to park there, they're not going to allow it, especially if it's a single family home that's being converted to a multifamily home, they are going to make sure they meet the code and have so many spaces, etc.

Mayor Bica said they could put some verbiage together and bring it back to the committee.

Mr. Ricciardi said he thinks that would give them some guidance.

Mayor Bica noted that they will have that language put together by the next committee meeting.

There being no further business before the Committee, the meeting adjourned at 6:44 P.M.

ATTEST:

Clerk of Council

Jack Ferguson, Chairman
Streets & Sidewalks Committee