

**ORDINANCE REVIEW COMMITTEE  
MEETING MINUTES  
Mayfield Village  
April 14, 2009**

The Ordinance Review Committee met in regular session on Tuesday, April 14, 2009 at 5:00 p.m. at the Mayfield Village Civic Center, Civic Hall. Bill Marquardt presided.

**Roll Call:** Mr. Bill Marquardt  
Mr. Wes Marrotte  
Mr. Jerry Catalano  
Mrs. Mary Ann Wervey  
Mr. John Marrelli

**Also Present:** Secretary: Ms. Deborah Garbo  
Assistant Law Director: Ms. Diane Calta  
Fire Chief: Mr. David Mohr

**CONSIDERATION OF MEETING MINUTES:** **March 10, 2009**

Mr. Marrelli, seconded by Mr. Catalano made a motion to approve the minutes of March 10, 2009 as written.

**ROLL CALL**

Ayes: All  
Nays: None

**Motion Carried  
Minutes Approved.**

**SWEARING IN**

Ms. Calta administered the Oath of Office to new ARB Representative to the Ordinance Review Committee; Mrs. Mary Ann Wervey. Congratulations.

**PROPOSALS**

- 1. Part Seven; Business Regulation Code**  
Law Department to create Fee Schedule: Chapter 767; Schedule of Fees
- 2. Chapter 747; Transportation of Radioactive Materials;** Section 747.01 (a)
- 3. Chapter 173; Hotel / Motel Admissions Tax**
- 4. Part Fifteen; Fire Prevention Code;** 1501.13 & 1501.15
- 5. Ohio Fire Code**
  - Amend (AA) 1027 to create New Section 1027.3.1; Floor Proximity Exit Signs
  - Create New Section 1028.8; Mistaken EgressChapter 1521; Fee Schedule
- 6. Chapter 931; Electricity**
- 7. Chapter 1371; Soil Removal**

**OPEN PORTION**

**Part Seven; Business Regulation Code**

Law Department to create Fee Schedule  
Chapter 767; Schedule of Fees

Mr. Marquardt called the meeting to order.

Ms. Calta said we have the schedule of fees. I put in 767.709; Telecommunications, Right of Way Permits. I didn't send it out to everyone because the last time we talked we mentioned that maybe we shouldn't do a schedule of fees per part. I was setting this up per Title. John, you weren't at the last meeting so I thought we'd have a little more discussion and I'd format it differently. It has to be in some part of the code. I'm open to suggestions as to where to put it.

Mr. Marrelli said Part Seven; Business Regulation Code has 6, 7 or 8 different sub parts to it. Diane said 15 Chapters. John said 15 Chapters of which there's probably going to be hardly any fees at all. Diane said you're right. Out of the 15 Chapters there are three that have fees. John said in that case, that would be a section fee schedule versus a chapter fee schedule. For the Business Regulation Code I see that as being workable. Bill asked, or do you want it all in one.

Mr. Marrelli said here's the problem. When you're using the ordinances, you're usually going to use one part of the book or another. You're not going to want to go through everything. That was pretty much the scenario why we're setting up fee schedules. I personally like the fee schedule at the end of the chapter or at the end of the section so when I'm looking at that cover sheet to see what the chapters are I can say "there's the fee schedule". That's the only thing I'm really interested in mostly if I'm coming from the outside. I can flip right to that, rather than go to the back of the book and go through a fee schedule that big. It's going to be big when it's done. Our Building Code stuff has so many fees. I haven't even started to work on those yet. I thought a neat clean way of doing it is to put an ending chapter to each section.

Mr. Marquardt said you're the guy that has to work with it. Whatever makes it easiest.

Mr. Catalano said none of this has been updated for many many years. It needs to be done.

**Consensus:** Ms. Calta to make changes in the chapters and give to Committee at one time. You can then see that the new chapter has been referenced in the actual chapters. This way you have both bookends.  
Review next meeting - May 12th.

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**Chapter 747; Transportation of Radioactive Materials**

Section 747.01 (a)

Ms. Calta said there were a lot of questions on this last time. I did some homework. There was some thought maybe we could reference the Federal regulations as they may be amended from time to time. There are also State provisions on transportation of radioactive materials. So you have the State level and the Federal level. If we wanted to reference the State & Federal level,

that would probably suffice. My next thought was “what are other people doing”? This is from 1978. I went to the Walter Drane site for ordinances on Highland Hts, theirs is from 1978, Garfield Hts; 1978 and a couple others. None of them have been updated.

Chief Mohr said the historical purpose for that was “not in my backyard”. I remember when they put this into effect. They were moving radioactive fuel rods from nuclear power plants through town and coming down the freeway to go out to New Mexico and the Rocky Mountain areas. The word was out they were building Perry and it was a “not in my back yard” type thing. Federal law supersedes all this. Federal law because of Homeland Security, aren’t going to tell you it’s coming through anyway. John said so we really have no regulation on this. Chief said no Sir. John suggests taking it off the books. Chief agrees.

Mr. Marrotte asked about Hospitals with radioactive materials.

Ms. Calta said they’re all regulated under Federal. There’s also a State provision which obviously will be trumped by Federal Law. There are also provisions about non-radioactive hazardous materials. Our ordinance is just radioactive. 271 has been designated as a route for non-radioactive hazardous materials. Even looking at it from non-radioactive, we can’t do anything with that either.

Chief Mohr said the other reason once upon a time when the elders did this was the fact that Picker was at 600 Beta and Picker was playing with radioactive isotopes.

**DECISION**

Mr. Catalano, seconded by Mr. Marrotte made a motion to take Chapter 747 off the books and reference the State & Federal Law requirements.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Recommendation to Council**

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**Chapter 173; Hotel / Motel Admissions Tax**

Ms. Calta said David Miller didn’t recommend any changes on the Hotel part of it. He thought the 3% was in line with other municipalities. There were some questions on the Admissions tax and I don’t have an answer from Dave yet on what we’re recovering in the way of Admissions taxes. Dave and I did talk about Fairmount and are we collecting Admissions taxes from Fairmount. There’s an exclusion in the code currently that exempts charitable, educational & religious entities from the tax. Fairmount as a non-profit would be exempt from paying. There was also a question about insurance coverage for rentals and use of the Village facilities and should we have something like that included in the ordinance. There’s nothing that requires that, but right now the Reserve Hall where Fairmount’s doing their productions, for the most part is not rented out. Civic Hall and the Community Rm are rented out. When the Village came over here, there were a lot of users of this facility that have kind of continued on and pay

a very minimal amount. For the new entities that come in and want to use this facility, there are applications that must be filled out. Those applications require them to have insurance. It also requires them to be responsible for anything that would happen in the way of personal property damage or physical injury or any of those kinds of things. I wouldn't recommend that we need to put anything like that in our ordinances because that's what we have in place in our applications.

**Ms. Calta said Fairmount, I need to confirm that they have given us a Certificate of Insurance. I don't know the answer yet as to, are we collecting any and if we are collecting what we're collecting.**

Mr. Marquardt asked, does the Village have Liability Coverage? Ms. Calta said the short answer to that is no. It's a government entity and we should be immune from that. That doesn't mean that the Village couldn't be included in a law suit.

**Consensus:** Ms. Calta to consult with Finance Director for answers on Admissions Tax. Review next meeting - May 12th.

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**Part Fifteen; Fire Prevention Code;**

1501.13 & 1501.15

**Ohio Fire Code**

- Amend (AA) 1027 to create New Section 1027.3.1; Floor Proximity Exit Signs
  - Create New Section 1028.8; Mistaken Egress

Ms. Calta said there's the Ohio Fire Code and then there's a part in the Village's code that has amendments to the Fire Code. There were questions last time that had to do with key boxes, lighting, mistaken egress & floor proximity exit signs. Lt. Girbino recommends the following:

Key Boxes: Take out of our amendments. State Fire Code sufficient.

Egress Illumination: Take out of our amendments. State Fire Code sufficient.

Mistaken Egress  
&

Floor Proximity Exit Signs: Keep those as amendments to the State Fire Code in our Code; Included in 1501.13.

1501.15; Fire Prevention Bureau: He would recommend this adoption. It identifies, gives title to our Fire Prevention Bureau.

Ms. Calta said these are both labeled EXHIBIT A because then we can attach it to the ordinance for Council.

**DECISION**

Mr. Catalano, seconded by Mr. Marrotte made a motion to;

- Adopt language requiring the floor level exit signs as outlined and marking of mistaken egress doors.
- Remove key boxes and egress illumination.
- Recommend adoption 1501.15; Bureau of Fire Prevention.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Recommendation to Council**

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**Chapter 1521; Fee Schedule for the Fire Code**

Ms. Calta said this is fire inspections, inspection fees and fire works.

**DECISION**

Mr. Marrelli, seconded by Mr. Catalano made a motion to adopt Chapter 1521 for Fire Dept Fees.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Recommendation to Council**

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**Chapter 931; Electricity**

Mr. Marrelli said our Chapter 931 requires the Village Council to issue permits for anybody that wants electricity that's over 250 volts to ground. That means basically everybody that's doing anything other than turning on lights and plugging in the toaster would have to have their permit. I'd like to take this chapter out of the books all together. It's not anything that can be regulated, it never will be, never was. It was a good idea maybe when the town went from farmland to having one company. It's no longer useful.

Mr. Catalano said it's strictly a residential voltage. John said correct.

**DECISION**

Mr. Catalano, seconded by Mr. Marrotte made a motion to delete Chapter 931; Electricity.

Mr. Marquardt asked, any discussion?

There was none.

**ROLL CALL**

Ayes: All

**Motion Carried**

Nays: None

### **Recommendation to Council**

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#### **Chapter 1371; Soil Removal**

Mr. Marrelli said I don't know where this came from. I'm guessing at some point in time somebody decided to go into business scraping top soil and selling it. I've never seen any permits or known of any top soil landscape sales companies in this area. I suggest if we could reference that a Conditional Use Permit would be required to use any property for that kind of operation, then we can take a proposed user through the Planning Commission and get all the conditions laid out that way instead of the conditions they have now which are not possible to comply with or to enforce.

Mr. Marrotte said this could apply to anybody that wanted to dig a basement for a house. John added, if they took the soil out of town. I'm guessing at some point in time somebody may have been doing that kind of thing where they were digging and selling the material outside of town.

Chief Mohr said back in the 70's with Milstein there was talk of stripping the soil off the golf course and selling it. When the golf course went away there was a proposal for apartments on that property.

Mrs. Wervey said we've done that before with pre-construction. If we had a site with a lot of top soil, we've stripped it and sold it as part of our construction project. I think the Conditional Use Permit is certainly a way to do it.

Mr. Marrotte said the problem I have with that is what do you use as a basis for judgment?

Mr. Marrelli said you ask:

- How big are the trucks?
- How long are you going to store it?
- What are your hours of operation?

Mr. Marrotte asked, who is to judge whether it's acceptable to strip 6" of topsoil vs. 1 ½ foot?

Mr. Marrelli said I don't think that's the issue. I think it's the operation, the possible damage to roads, erosion, mud & noise.

Mr. Marrotte said rather than what you're doing to the property? John said yes.

Ms. Calta said this says the application goes to the Engineer & Building Commissioner for report and recommendation. The other thing that's exempted here is any work or construction authorized under our Building permit. If somebody's coming in and digging a foundation, that doesn't count.

Mr. Marquardt asked, does this kick in if somebody's going to put in a development, is going to lay out the development, and their scraping all the top soil off?

Mr. Marrelli said I don't think so. Look at Krenzler's development. They went in and cleaned that all up but they stored all the top soil and spread it out when they were done. I'm looking at it as the business of selling top soil vs. the business of constructing homes or buildings. I don't necessarily have a problem if we could clean up the language to reflect today's way of doing business. I read this thing 12 times and I don't know where to start with the language that's in here.

Mrs. Wervey asked, as far as who would review it and approve it?

Mr. Marrelli said yes because it says Board of Appeals would review the application. Back in those days, the Board of Appeals did everything. It functioned like a Planning Department. There are so many references to taking applications to the BOA for approval all through the book.

Mr. Marquardt asked John what he'd like to do with this.

Mr. Marrelli asked Diane if she thinks it's re-workable. Do you think there's any way we can discern between excavating for construction versus excavating for sales purposes only? Can we earmark the part that just is for the business of selling top soil for a Conditional Use Permit?

Ms. Calta said yes.

- Consensus:**
1. **Mr. Marrelli to draft some different ideas on paper to delineate between excavating for a basement versus excavating for sales purposes.**
  2. **Consider Conditional Use Permit for the business of selling top soil.**
  3. **Consider increasing (i) Performance Bond of \$500.00. Mrs. Wervey to give today's dollar amount for what it will take to restore it. Review next meeting - May 12th.**

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**ANY OTHER BUSINESS**

- **Fliers**

Mr. Catalano said I asked Diane if we could get rid of this mess (holding up fliers), all these fliers that are left on the flags of mailboxes, in the paper shoots and into yards every year. It got ridiculous this year.

Ms. Calta said I'm sure the economy has something to do with it. Even in our office, we've had a lot of people coming in dropping off information on anything and everything. If they're putting them on the flag of your mailbox, that's considered the mailbox and that's something the Postal Worker is required to enforce. It's a Federal offense if somebody does that. They're

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not supposed to do it. Everybody does it. You can tell your Postal Worker and give it to them. If they put the flier in your door or screen, we can define that as soliciting. If people have a "No Solicitation" sign, we can enforce that.

### **ADJOURNMENT**

Mr. Marrotte, seconded by Mr. Catalano made a motion to adjourn the meeting.

### **ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 5:45 p.m.**

Respectfully Submitted,

Deborah Garbo  
Executive Assistant  
Building Department