

**ORDINANCE REVIEW COMMITTEE
MEETING MINUTES
Mayfield Village
August 11, 2009**

The Ordinance Review Committee met in regular session on Tuesday, August 11, 2009 at 5:00 p.m. at the Mayfield Village Civic Center, Civic Hall. Bill Marquardt presided.

Present: Mr. Bill Marquardt
Mr. Jerry Catalano
Mrs. Mary Ann Wervev
Mr. John Marrelli

Absent: Mr. Wes Marrotte

Also Present: Ms. Diane Calta Assistant Law Director
Mr. Tom Cappello Village Engineer
Ms. Deborah Garbo Secretary

CONSIDERATION OF MEETING MINUTES: **July 14, 2009**

Mr. Marrelli, seconded by Mr. Catalano made a motion to approve the minutes of July 14, 2009.

ROLL CALL

Ayes: All
Nays: None

**Motion Carried
Minutes Approved As Written.**

PROPOSALS

1. Chapter 1371; Soil Removal

- Section 1371.01 Application For Permit
- Section 1371.02 Hearing by Planning Commission
- Section 1371.03 Appeal to Board of Appeals
- Section 1371.04 Appeal to Council
- Section 1371.05 Permit Fee; BOND
- Section 1371.06 Exception
- Section 1371.07 Injunction
- Section 1371.99 Penalty

2. Gas / Oil Well Drilling (Ongoing Discussion)

- Areas of permissible regulation
- Gates Mills legislation
- NEOGAP information / Senator Grendell's proposed revisions
- Revised Mayfield Village Ordinance (DRAFT)

OPEN PORTION

**Chapter 1371
Soil Removal**

Bill Marquardt called the meeting to order. We have the proposed changes to the ordinance. If everybody's had a chance to read them, I entertain a motion for approval.

DECISION

Mr. Catalano, seconded by Mrs. Wervev made a motion to accept changes as proposed.

Mr. Marquardt asked if any discussion. There was none.

ROLL CALL

Ayes: All

Nays: None

**Motion Carried
Recommendation to Council**

**Gas & Oil Well Drilling
Areas of Permissible Local Regulation**

1) Public Roadways

Bill Marquardt said let's go back to the minutes of July 14th. Tom, anything new on this?

Tom Cappello said I did a little research on truck weights. The **Drill Rig** will be the heaviest, I've heard 100,000 pounds which is over the 80,000 pound limit. John asked how we'll know the truck weight as they're coming down the street. Tom said they have to know their gross vehicle weight because it's a special permit. Tom suggests we get a BOND. John said when the guy comes to me with his permit from the State, that guy standing at my counter is not going to know what the truck's going to weigh that's coming in. Tom said they know the Drill Rig will weigh over the 80,000 pounds.

Tom Cappello suggests setting a BOND and videotaping the road prior to them coming as we did on Echo Drive. John thinks there has to be a better way. Tom said my understanding is the fracking truck, brine truck and others are less than the 80,000 pound limit. The Drill Rig is the only vehicle over the limit.

Tom Cappello said to put everything in perspective, a **cement truck** depending on the load size can be up to 70,000 to 74,000 pounds, a **dump truck** 58,000 to 66,000 pounds, a **garbage truck** 65,000 to 75,000 pounds depending on the load.

John Marrelli asked how we know 80,000 pounds is too much for the street. Tom said the 80,000 pounds is the limit without getting a special permit, it's the established limit for the

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highway system. Remember, it's repetitiveness. A Drill Rig is one time down and then back. Two passes, not even on the same side of the street.

Diane Calta said we're probably more concerned about the residential roadways, than Beta. Tom agreed, Beta's designed for industrial.

Jerry Catalano asked if there was any damage done with rigging of 3 wells on Beta Drive. John and Tom said not that we know of.

Summary

Law Dept to draft language.

Requirement Applicable to residential streets, not State or County roads:

1. Establish Road BOND no less than \$10,000. Discretion to modify depending on route, existing condition of road or "x" dollars per ¼ mile.
2. Require Pre-construction video.

2) Solicitation Ordinance

Summary

Law Dept to draft language.

1. Revise this ordinance to identify 'Landmen'. Then they become subject to the solicitation ordinance. They are now, except they're not specifically mentioned.

3) Aesthetics i.e. landscaping & buffering

Summary

Bldg Dept to draft Design Standards.

1. Require a landscaping plan that goes above and beyond the State's requirement.
2. Require specific fencing i.e. Holiday Inn's Board on Board. Design standard to match.

4) Erosion & Sediment Control ordinances, Water Quality ordinances and Fire Prevention Code emergency procedures.

Summary

Law Dept to add language in letter to Ohio Attorney General.

1. Letter basically says that we have NPDES & Phase II requirements. We have HB 278 with no control but yet we have to enforce these provisions. We'd like your opinion from the Attorney General's Office as to the ability to enforce these provisions in light of HB 278.

Add to letter: "As of right now we have not been satisfied that ODNR is insuring that this work is being done and our observation is that the Ohio EPA is not enforcing it".

5) Zoning – Requiring a Conditional Use Permit for wells located in Residential Districts since their operation could be considered a commercial operation.

Bill Marquardt said we can't do a Conditional Use for a residential District.

Diane Calta said the Conditional Use Permit code section doesn't apply to residential.

Summary

Requiring a Conditional Use Permit is NOT doable.

6) Imposing Regulations on the Property Owner; Provide proof of Insurance.

Diane Calta said from a legal standpoint could you do that? Certainly. Enforcement of it is another question.

John Marrelli asked if it makes a difference if the property is owner occupied. Think about it, you might be able to buy a house on a Sherriff's sale for \$50,000 and attempt to get a drilling unit out of it. You won't have to deal with it because you don't live there.

Bill Marquardt said isn't the Homeowner whether they live there or not still liable?

Diane Calta said the thought is if you put these requirements on the property owner, the trickle down would be they would then incorporate those things into their lease. The homeowner wouldn't have to go to their insurance company to get the rider. Homeowner would make sure the driller had the insurance naming them as additionally insured.

Bill Marquardt asked what happens if the driller goes belly up. Who has the liability for the rest of the thing?

Diane Calta said most likely they'd assign that lease to another entity. There should be a provision that if insurance is canceled the additional insured (homeowner) is notified that it's going to be canceled. They don't cancel it immediately. They have to give you 30 days notice.

Summary

Law Dept to draft language per discussion.

OLD BUSINESS

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- **Fence Ordinance**

John Marrelli said I had a homeowner come in today that has an issue with their neighbor. They have a split rail fence right on the property line. The next door neighbor wants to put a 6' board on board fence right next to it. I don't have anything in the ordinance to stop him from doing that. They will create two fences parallel and a strip of no mans land. I'm going to tell him no because he can't maintain it between. You can't cut the lawn in between. You're creating a nuisance. The guy I talked to today was a real estate attorney and was pretty knowledgeable. He thinks there's a State Law that won't allow you to parallel fences.

Jerry Catalano is aware of the State Law. That came up when I was with the Building Dept in Mayfield Hts.

Diane Calta has heard as well but thought it was a local ordinance.

Bill Marquardt said in general that fence ordinance ought to have it that it has to be off the property line to maintain both sides of your fence.

Summary

Put on next agenda for further discussion.

- **Golf Carts**

Jerry Catalano said I have 2 golf carts on my street. Do we have an ordinance?

Diane Calta said gold carts do not need to be licensed.

Jerry Catalano disagrees. If you go west, Catawba Island, Port Clinton, Marble Head, every community that allows them have to be licensed and insured. I have a hunch we're going to start seeing a lot of these within the next of years to come.

Summary

Law Dept to research what we have on the books.

ADJOURNMENT

Mr. Marquardt said if there are no additional comments, I'd like to entertain a motion for adjournment. Mr. Marrelli, 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.

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Respectfully Submitted,

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Executive Assistant
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cc: Jean Triner
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