

**ORDINANCE REVIEW COMMITTEE
MEETING MINUTES
Mayfield Village
May 12, 2009**

The Ordinance Review Committee met in regular session on Tuesday, May 12, 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. John Marrelli

Absent: Mr. Jerry Catalano
Mrs. Mary Ann Wervey

Also Present: Ms. Diane Calta, Assistant Law Director
Ms. Deborah Garbo, Secretary

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

Mr. Marrotte, seconded by Mr. Marquardt made a motion to approve the minutes of April 14, 2009 as written.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Minutes Approved.

PROPOSALS

1. Chapter 767; Schedule of Fees

- Amend Section 739.03 (a)(11) Solicitations
- Amend Section 709.02 Telecommunications
- Amend Section 745.05 (f) Street Sales
- Amend Section 761.02 Permit Application; Fee

2. Chapter 173; Admissions Tax

3. Chapter 1371; Soil Removal

- Section 1371.01 (i); Application For Permit
- Section 1371.04; Permit Fee; BOND

OPEN PORTION

Chapter 767; Schedule of Fees

Mr. Marquardt called the meeting to order.

Mr. Marrelli said these 4 are nothing more than fee schedules. The fees got moved out of the Chapter and into a schedule.

Mr. Marquardt asked if we upped any fees.

Mr. Marrelli said we upped the fee on 767.761; Snowplow Operators (a) to \$10 per vehicle.

DECISION

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

- **Accept change in Chapter 767; Schedule of Fees.**
- **Amend 767.761 to require each snowplow truck to be at fixed fee of \$10.00.**

Mr. Marquardt asked, any discussion? There was none.

ROLL CALL

Ayes: All

Nays: None

**Motion Carried
Recommendation to Council**

Chapter 173; Admissions Tax

Ms. Calta said there was a question on whether we were collecting these fees.

Mr. Marquardt said the Finance Director said our rate of 3% for hotel/motel admissions tax is reasonable and comparable with other municipalities.

DECISION

Mr. Marrelli, seconded by Mr. Marquardt made a motion to take Chapter 173 off any future agendas.

Mr. Marquardt asked, any discussion? There was none.

ROLL CALL

Ayes: All

Nays: None

**Motion Carried
Delete Chapter 173 from future agendas.**

Chapter 1371; Soil Removal

- Section 1371.01 (i); Application For Permit
- Section 1371.04; Permit Fee; BOND

Mr. Marquardt said there was a question on the amount of BOND.

Mr. Marrelli said I can't find anything anywhere. Mary Ann responded by e-mail that the cost to find grade and seed an acre of land is around \$5000 per acre.

Mr. Marrotte asked, is that all you'd expect them to do if they stripped it?

Mr. Marrelli said I'm guessing all you'd require them to do is restore the area.

Mr. Marrotte asked, how about drainage?

Mr. Marquardt asked, would they need a Special Use Permit?

Mr. Marrelli said that's what I was aiming for. I was trying to get the Soil Removal Chapter deleted and then having Soil Removal & Sales Business put into the Special Permit / Conditional Use Permit section. In other words, if somebody came into me and said "I got hired to take 20,000 cubic yards of topsoil off of somebody's property because I'm going to be setting up a business this summer. I would tell him to go to the Planning Commission and outline the whole program. Mr. Marquardt said that would take into account any drainage changes. Mr. Marrelli agreed.

Ms. Calta asked, so you will make a distinction between business and development? If somebody is building a new house, you're not going to require them to get a Conditional Use Permit? Mr. Marrelli said correct. Ms. Calta asked, would you still want them to get a soil removal permit if they are digging a basement for a house? Mr. Marrelli said no.

Ms. Calta asked, what about when Progressive comes in for their site?

Mr. Marrelli said they will put money up for restoring the site under the Engineer's Bond for site restoration. They have to bring in site plans and we check the drainage, landscaping and ground cover. On a project, that's all checked and accounted for. But if somebody decides they're going to go into the Landscape business and start stripping and selling topsoil then the mechanism is that Chapter which is way outdated.

Ms. Calta asked, what if somebody just wanted to get rid of soil one time and they're really not in the business?

Mr. Marrelli said then they would just come in and we would deal with it on a one time basis; I would consult with the Engineer.

Discussion ensued on the changes needed for certain circumstances.

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Ms. Calta said we want to update the Bond. We don't need to do a hearing at the Board of Appeals, it would be the Planning Commission. Or you just grant or deny a permit which could be appealed to the Board of Appeals. Mr. Marrelli said I would rather do that and have it written that way so I could make the call on whether they should go to the Planning Commission, Zoning Board or just work with me on it.

Mr. Marquardt agreed. If a guy is just doing a ½ acre lot it's not that big of a deal.

Ms. Calta said we've had other communities that had issues with topsoil removal that had to do with wetlands and a river. It was going to be a development but stalled for various reasons for various permitting, but they started taking soil out anyway. It wasn't really a development. It wasn't really a business but they were moving soil and there were a bunch of issues. Mr. Marrelli said probably because somebody had a contract to remove and sell the soil. Ms. Calta said right and some people didn't want it taken out because of the river and erosion. I don't know if there could be any areas here like that. Mr. Marrotte said not many, maybe the Russo property.

Consensus

Ms. Calta to make changes and prepare draft for review at June 9th meeting date:

- **Permit that John can grant or deny.**
- **John can require Planning Commission approval.**
- **Business operations will be required to get a Conditional Use Permit.**
- **BOND for drainage work based on Engineer cost estimate for project (refer to Engineer for review).**
- **BOND for re-seeding (roughly \$5,000 an acre).**

ADJOURNMENT

Mr. Marrelli, seconded by Mr. Marquardt made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried

Meeting adjourned at 5:15 p.m.

Respectfully Submitted,

Deborah Garbo

Executive Assistant

Building Department