

**ORDINANCE REVIEW COMMITTEE
MEETING MINUTES
Mayfield Village
Sept 13, 2011**

The Ordinance Review Committee met in regular session on Tues, Sept 13, 2011 at 5:05 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Saponaro presided.

ROLL CALL

Present: Mr. Joseph Saponaro Chairman
Mr. Casey Kucharson
Mr. John Marrelli

Absent: Mr. Jerry Catalano
Mrs. Mary Ann Wervey
Mr. Bill Marquardt Council Alternate
Mr. Tom Cappello Village Engineer

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

CONSIDERATION OF MEETING MINUTES: **July 12, 2011**

Mr. Kucharson, seconded by Mr. Marrelli made a motion to approve the minutes of July 12, 2011.

ROLL CALL

Ayes: All **Motion Carried**
Nays: None **Minutes Approved As Written.**

PROPOSALS

1. **Discussion Section 1157.06; Accessory Uses (ON HOLD)** **(Bldg Dept)**
2. **Temporary Advertising Signs** **(Bldg Dept)**
3. **Sign Ordinance Amendments** **(Law Dept)**
Sections 1185.10 & 1185.14

OPEN PORTION

Accessory Uses – Section 1157.06

Chairman Saponaro called the meeting to order beginning with Section 1157.06; Accessory Uses. Further discussion on hold pending court ruling on B.O.A. Case #2010-2.

NEXT STEP

Remove from agenda until B.O.A. Case #2010-2 closed.

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Temporary Advertising Signs

Chairman Saponaro said we've looked at different community ordinances.

Mr. Marrelli said Ted sent out a survey to Village businesses and responses look like they're pretty much in favor of the sandwich board signs.

Chairman said all we need to do now is get the uniformity of it and determine the mechanism of how we want to do it, i.e. a permit on an annual basis.

Mr. Marrelli said Citizen's Advisory recommendation was write the rules, inform people of the rules and don't charge a permit fee.

Chairman thinks we need to put some teeth into it. They need to provide some sort of fee or maybe a deposit that gets refunded at years end.

Mr. Marrelli said one survey response thought a \$50 fee would be fair. Another thought there shouldn't be a fee required.

Chairman said we need to be realistic. When my Son signed up for football, I had to give a \$150 check for uniform deposit. It's the way of the world. Make it a fee that has teeth to it. The fee will give them the right to put a sign out. It'll be an annual fee. We don't want anyone to be able to 'just do it'. They have to fill out an application and get the permit. That says they acknowledge and will follow the rules. The purpose of the fee is Administrative. It requires the Bldg Commissioner / Bldg Inspector to go out and make sure everything's in compliance.

Mr. Kucharson agrees on an annual fee for compliance.

Mr. Marrelli states we need penalty language for non-compliance.

Mr. Kucharson thinks we need to be very careful on the wording. We should couch it in a way that it's an Administrative / processing fee according to three survey responses; 1) A \$50 Fee would be fair. 2) It shouldn't be a source of revenue for the Village. 3) No fee should be req'd.

Chairman replied it's a permit fee that pays for the inspections. I think \$50 is a very minimum amount of money.

Mr. Kucharson asked about enforcement for non-compliance.

Chairman replied that you enforce it against the landlord. If the tenant is not in compliance, the landlord is not in compliance.

Mr. Marrelli said we might have to write a ticket on a 2nd warning for failure to comply.

Ms. Calta will check out a 'three strikes you're out' citing for non-compliance. Let me think this through. You're affording everyone an opportunity, they should respect it, and if not, there should be a consequence.

Chairman Saponaro said I met with Marge Eisenberg on Aug 9th. She brought to my attention that Mayfield Heights in her opinion has better enforceability, more teeth to the problem with blighted properties, houses in disrepair. The house that she's been dealing with in her area is what I think prompted a lot of this. I gave Diane references to Shaker's & Mayfield Hts Ordinances to see if it's something for us to maybe beef up our codes. I think it's worth exploring.

Mr. Marrelli said the house she's referring to is now in the County Court System which is way better than going to Lyndhurst Court.

Chairman said we need to determine what is considered a misdemeanor and what is considered something more egregious. Have we spelled that out?

Mr. Kucharson said we're trying to keep uniformity in the Village. In reading the memo regarding Fisher's banner sign, can you envision a scenario where an allowable sign wouldn't work for a particular business, i.e. because of their location? In those instances, do we want to provide relief?

Mr. Marrelli replied yes. I'd like to see language about practical difficulty. Example; the Hilton Garden Inn can have an event and our sign ordinance says you can only put an 'A-Frame' sign by your front door, it's totally useless for them.

Chairman said anyone is allowed to come and ask for temporary signage. We can not as a Village ban all temporary signs / banners for a period of time. Every municipality has that.

Ms. Calta said we can put that language in there; "other temporary signs may be permitted pursuant to the procedures outlined".

Mr. Marrelli said we have no standard. When we get a standard, then if they say they can't meet the standard, then we say there's a mechanism (a variance). ERC has seminars. They wanted to put up poles with flags on them. It's not permitted. There's no mechanism to permit it. It's a blanket no. They weren't happy.

Ms. Calta said they could have come to the Board of Zoning Appeals.

Mr. Marrelli said unfortunately sometimes they call the week before an event. That's why I need some latitude. There should be some language that they don't have to go to the Zoning

Board, i.e., “In the opinion of the Building Commissioner” or “Discretion of the Building Commissioner in keeping with the standards”.

Ms. Calta said we can add that. However, if it’s a situation that’s outside the realm of what would be the standard that you don’t feel comfortable granting, it stills gives them the BZA mechanism.

Mr. Marrelli states it gives you 3 layers:

1. The absolute layer; the standard.
2. The opinion of the Bldg Commissioner based on the intent of the law.
3. The Board of Zoning Appeals.

NEXT STEP

Law Dept to draft Ordinance language.



Sign Ordinance Amendments
Sections 1185.10 & 1185.14

Ms. Calta said these are the political signs. I made the changes, was just waiting to see what we were doing with the temporary signs because there’s area of overlap. I’ll send all the changes over.

Chairman Saponaro said this is more about just getting the word out, maybe we can do a Voice of the Village article on garage sale regulations; number of signs & placement & days permitted. Political signs can be put up 60 days prior to an Election and need to come down 48 hours after the Election.

NEXT STEP

Law Dept to tweak amendments & include temporary advertising signs.



NEW BUSINESS

- **TIRC**

Chairman Saponaro said Ron’s going to talk to you Diane re the Tax Incentive Review Committee. He really hasn’t convened it because there’s a different mechanism so we really don’t need it. I’m not sure if it’s a committee that we need to address in terms of Ordinance.

- **Beautification Committee**

Beautification Committee is now gone. We’ve repealed that. We disbanded the committee. Many want to go on the Citizen’s Advisory Committee, but we have a limit. Diane, I think they were going to ask you to review the Ordinance establishing the Citizen’s Advisory Committee to determine if it requires adjustment prior to appointing additional members. When you’ve got

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more people that want to be on a Citizen's Group, unless there's a really good reason why, I think we should not limit that.

ADJOURNMENT

There being no further business, Mr. Kucharson, seconded by Mr. Marrelli made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried.

Meeting adjourned at 5:35 p.m.

Chairman

Secretary