

OPEN PORTION

Smoke Alarms – Photoelectric Type

Mr. Marrelli called the meeting to order. I'm going to go out of order on agenda items and start with smoke alarms.

Lt. Girbino said this involves a complete revamping, reworking of our existing smoke alarm ordinance which is under the building code. We're not trying to prohibit one type of detector, but recommending the use of a certain type in the primary locations that are required in the code. The use of the ionization detectors can be secondary. We want to recommend photoelectric in all primary locations which would be on each level of the home and each sleeping area. Our ordinance dates back to 1974. It's dated, and time to upgrade. I think the video we showed last meeting painted a pretty good picture on why we're leaning towards the photoelectric type vs. ionization.

Mr. Marrelli states we're taking the State Residential Code & Commercial Code (which happens to be the same for locations) and plugging it in as our City Ordinance because our ordinance is so out of date it's not repairable. We're upgrading it to require photoelectric devices in the required locations. The State Code says smoke alarms, but not what kind. We're telling them what kind.

Mr. Catalano asked if the devices are available all over.

Mr. Marrelli replied in any home improvement store.

Mr. Catalano suggested getting this information out to Village residents.

Mr. Marrelli replied it'll get on our website.

Lt. Girbino commented he has an extensive educational article in the upcoming VOV.

Mr. Catalano asked if they're powered by 9-volt batteries.

Chief Mohr replied yes. The lithium battery will take this unit for 10 yrs.

DECISION

Mr. Catalano, seconded by Mr. Kucharson made a motion that smoke alarms required by R313.1 shall be of the photoelectric type.

ROLL CALL

Ayes: Mr. Catalano, Mrs. Wervey, Mr. Kucharson, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council



Radio Communication Ordinance

Chief Mohr said there are areas within buildings which we call black holes. They're areas you walk into and your walkie-talkie stops working. One particular of concern to us because it's such a large building is Mayfield High School. MHS is going to be approaching 400,000 sq. feet with a large addition planned. We were in this room a couple of weeks ago with their Architects. One of the recommendations I made was to have a BDA (By Direction Amplification). It's a technology where they put a wire inside the building, it's attached to an amplifier and runs like a TV antenna outside your house. It allows the signals from within the building to be broadcast outside, away from the steel, the glass, and the high density buildings that eat radio signal.

Progressive's basement is an example. They're making arrangements to change and conform to our radio systems. For any future building within Mayfield Village, this is what the International Code is going to (in 2011 we hope). This is what the Federal community, the Fire Prevention & Safety Officers are recommending; that you should adopt this in your municipal building code allowing your Public Safety both Police & Fire and Service to have the communications within the building. An example is 911, where all the folks did not hear the order to evacuate the building. That's probably the most unfortunate example of non-communications which caused people's lives.

If you walk in the front door @ MHS by the Gadke rock over by the offices and look down at your cell phone, you'll see it doesn't work. Your cell phone won't work in or around the 8/9/10 cafeteria.

We're proposing any future buildings within Mayfield Village would have the technology allowing us to communicate back to Dispatch Center, back to the public safety issues we face everyday.

Lt. Girbino explained the hand-out copied from the 2009 International Fire Code. Section 510 "Emergency Responder Radio Coverage" is the language we're proposing to adopt in our local ordinance. As Chief mentioned, we're hoping that the State adopts their version of the 2009 International Code soon. They do that on a 3-year revision cycle. For a lot of different reasons, they've backed it up. We may not even see it by the end of this year at this point. We'd like to be proactive and adopt this exact language in our local Fire Ordinance in Chapter 15.

Chief Mohr said when we sat with the Schools' Architects we requested the BDA but have not seen it on their plan. I've called the Architect and have yet to get a response.

Mr. Marrelli suggested writing the Architect a letter. I recall at the meeting they said it's absolutely no problem. If I understand, you want to adopt the entire section 510 out of the International Fire Code? **Lt.** confirms. John added, when the 2009 International Fire Code becomes our local code, then we could take it back out? **Lt.** confirms.

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Lt. Girbino states if we adopt it as an additional Chapter in 15 instead of amending the Fire Code, we might be able to do that and not worry about a conflict. The Code is adopted and it would give us some time to just repeal it.

Mr. Marrelli asked if there's a section in our local Fire Ordinance where this section could be plugged in so we can make it a local amendment.

Lt. Girbino replied 1501 is a reference to the Ohio Fire Code, 1511 is open burning, 19 is fireworks, 21 is our fee schedule and 23 is recovery of cost for EMS. We could create another Chapter. I suggest creating Chapter 1525 and entitle it; "Emergency Responder Radio Coverage".

Mr. Marrelli shared what's happening at the State level with Bldg & Fire Codes. Like they found the need with dead spots, we found the need in the electrical business with arch fault circuit interrupters and a lot of other protective devices. The State said no because you're adding cost to the home builders and contractors and we don't want you doing this because nobody's going to build anything. They dragged and are still dragging their feet. This is a 2009 Code and they haven't adopted it yet as 2011. So we have to go back and find those important things and adopt them locally. I found out that our 2011 National Electric Code may not go into effect until 2012 or beyond because the Governor decided they're going to have to do a cost analysis of the changes first. Then I think they're probably going to chop things out to make it happier for the builders.

Chief Mohr said fortunately we're a Home Rule community and we can do that.

Mrs. Wervey asked, when they put in the BDA, will the cell phones work?

Chief Mohr said there's technology allowing cell phones to work. In this case, I'm looking for the public safety radio systems. The 400 & 800 band which we use is geared towards public safety. If you go to the Q, they put in amplification, any cell phone works in there. Would MHS put that in for just cell phones? I doubt it. It's kind of scary when you're crawling on your hands and knees in smoke and all of a sudden your radio doesn't work.

Mr. Marrelli asked if PRG Campus II has BDA in their high-rises.

Chief Mohr replied they're on a 400 band but there's rumor they're switching to 800 which would be good for us. Another area of concern is Hillcrest Hospital which we can't control.

We have a devise on our apparatus that's called an extender which takes our portable traffic and sends the radio frequency back to the truck and uses the truck radio. But in a building as big as MHS, we've found if you park the truck on one side and walk to the other, the building mass is so large that we can't transmit back to the truck. That's why we're asking for this relief.

Mr. Kucharson asked about a 'wired communication system' under Exceptions on the hand out.

Chief Mohr replied a ‘wire communication system’ is like plugging in a head set. A lot of buildings you’ll see fire communications near the elevators where they can literally plug in a head set; “hello, are you there.” No, we are advocating for the wireless. We’re not advocating for a wired system. You wire your house for cable so you can plug your TV into a cable anywhere in your house. We’re advocating that certain areas at MHS building be wired with BDA (allowing wireless to work).

DECISION

Mr. Marrelli, seconded by Mr. Catalano made a motion to adopt International Fire Code Section 510 “Emergency Responder Radio Coverage” of the 2009 addition as a new Chapter.

ROLL CALL

Ayes: Mr. Catalano, Mrs. Wervey, Mr. Kucharson, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council

Chief Mohr & Lt. Girbino leave the meeting at 5:30 p.m.



Chapter 1128; Comprehensive Storm Water Management
Chapter 1129; Erosion & Sediment Controls

Mr. Cappello said these are updates for the Village’s NPDES Permit. They’re on 5-yr cycles. As part of the permit, we’re required to update these two ordinances (that we already have on our books) with these changes by Sept 2011. This model language is what Chagrin River Watershed Partners had developed. It’s standard stuff we have to comply with. I won’t take you through all of this, but for the most part, with the previous code if you disturb more than 5 acres, you have to do water quality, this new one says if you disturb more than 1 acre and under 5. We also have to address certain criteria if we do a road or sewer project and disturb more than 1 acre. This is an EPA mandate.

DECISION

Mrs. Wervey, seconded by Mr. Catalano made a motion to approve changes to Chapter 1128 and Chapter 1129 pertaining to Comprehensive Storm Water Management.

ROLL CALL

Ayes: Mr. Catalano, Mrs. Wervey, Mr. Kucharson, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council



Off-Street Parking Codes – Chapter 1183

Mr. Marrelli said our code somehow had two parking codes in it; one in the zoning regulations and then one general one that covered everything. I was questioned on the business one by a potential client. It's in conflict with what we just passed last month. I'd like to eliminate it so there's one parking code that covers everything and not in two places conflicting regulations. It's mostly a housekeeping issue.

DECISION

Mr. Marrelli, seconded by Mr. Catalano made a motion to eliminate Section 1173.07 out of the zoning code that is specific to Motorist/Service, Office/Lab & Production/Distribution districts and refer to Chapter 1183 for all our Off-Street parking.

ROLL CALL

Ayes: Mr. Catalano, Mrs. Wervev, Mr. Kucharson, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council

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Records Commission – Chapter 157

Ms. Calta said Mary Beth and the Records Commission took a look at Chapter 157 of the code and realized it hadn't been updated / revised in a really long time, since 1988. They came up with some changes to comply with the State. There was some antiquated language. The new section (a) under 157.05 outlines how the procedures for the disposition of records and compliance for schedule of records retention are handled.

We need to delete; CROSS REFERENCES; Request to inspect public records – see ADM 105.03. There is no such section. It doesn't exist.

DECISION

Mr. Marrelli, seconded by Mr. Catalano made a motion to adopt the amendments to Chapter 157 Records Commission.

ROLL CALL

Ayes: Mr. Catalano, Mrs. Wervev, Mr. Kucharson, Mr. Marrelli

Nays: None

Motion Carried

Recommendation to Council
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Sign Ordinance Amendments – Sections 1185.10 & 1185.14

Ms. Calta reminded John on the questions we get every year when we have an Election. We made some recommendations on some changes. They deal with the political signs. We don't want to create a situation where we're singling out political signs.

Political signs have to be picked up after an Election. They're temporary signs. We don't want paper or plastic signs for an extended period of time because they break down & fly around. We're allowed to put a time period on the time they're out there, but then there's Case Law that says you're singling out political signs for a certain time period. The non-commercial opinion sign provision would allow for one opinion sign to be posted year-round per parcel. It's an opinion vs. advertisement, i.e. if you want to be in favor of the war, in favor of some political issue. It still has to be maintained, and not be an eyesore.

Mr. Marrelli noticed the proposed amendments still require a refundable cash deposit of \$100 from a candidate for a political sign.

Ms. Calta defers to the Bldg Dept for what works best.

Mr. Marrelli states the candidates don't do it and I don't know how to make them.

Ms. Calta asked John if we had to pick up any political signs after the Election last year.

Mr. Marrelli replied about one dozen.

Ms. Calta said the idea of the deposit is to cover the expense when the Village has to go out and pick up signs.

Mrs. Wervey asked, are we saying before you put a sign in your yard you need to pull a permit for \$2.00? John said yes.

Ms. Calta said we're o.k. with the \$2.00 permit fee. The idea of the refundable cash deposit is if you would have to pick up the sign, you'd deduct your expense from their deposit.

Mr. Kucharson asked how it works when a candidate asks a resident to put a sign in their yard. Should the candidate already have paid their \$100 cash deposit? John said yes.

Ms. Calta said other cities have similar provisions. At the end of the day it comes down to all the signs still up after the Election. Who do we hold responsible? This mechanism is to avoid that administrative nightmare.

Mr. Marrelli said Grendell will come in and give us a check for \$100. Nobody else will do it. Now you have one guy that follows the law and 12 that don't. Personally, the \$100 refundable check is meaningless to me. I'm o.k. with rules for placement, i.e. time limit, how long, how big, setbacks.

Mr. Kucharson asked who pays for the \$2.00 permit, the candidate or the resident? John said should be the political candidate and I don't think the \$2.00 is worth it. Casey asked, you can't get President Obama to send us \$100?

Ms. Calta said at the end of the day it comes down to the Bldg Dept enforcing it.

Mr. Marrelli's experience is that 1 out of 10 will give us a deposit and anyone else we question tells us it's not legal and an infringement of their rights. By the time we finish that argument, the season is over, they pick up their signs and go home.

Ms. Calta said the problem is you want to treat all the signs the same. You're not looking at the content of a specific sign. When you start to look at the content is when you get into the free speech questions.

Mr. Cappello asked about vulgarity. Do we have something on the books? Someone could say that's their free speech right.

Mr. Marrelli is looking to get something on the books that is palatable to the users and the municipality as far as enforcement provisions. The \$100 deposit & \$2.00 fee are not worth the aggravation.

Mr. Kucharson agrees and thinks it actually sets us up for more issues than it's worth if just one candidate is following the law and paying the money, and others aren't, and we're not enforcing it.

Mrs. Wervev asked why the sign issue came up in the first place.

Mr. Marrelli explained we notified about 7 or 8 candidates the last Election that they're not complying with our sign ordinance. Most ignored us and Ken Lanci's attorney wrote us a long dissertation citing legalities and case law.

Ms. Calta asked if someone pays when they file an application for a commercial sign once they get their approval from ARB.

Mr. Marrelli replied yes. Architectural Review Board approval is required for all commercial signs. They're not required for any temporary signs.

NEXT STEP

Law Dept to draft amendment provision for something that is palatable to the users and the municipality as far as enforcement.

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Accessory Uses - Section 1157.06

Mr. Marrelli said I'd like to hang onto this until Council acts unless someone has something to discuss tonight. Casey, I appreciate you standing up at the Council meeting, telling them how you felt about enforcing the laws and being careful about setting a precedent. It needed to be said.

Members agree to wait on Council for some direction.

NEXT STEP

On hold until Council acts on Bernstein appeal, BOA Case # 2010-2.
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Wind Turbines – Zoning Standards

Mr. Marrelli couldn't recall any more changes we needed.

Mr. Kucharson said one thing I was concerned about on 'DECOMMISSIONING' was with a mortgage holder lien on the premises where the turbine was built. Could their lien take precedence over any municipal right? Would a BOND that we could draw upon be the best way to go?

Ms. Calta said we talked about requiring a 'Decommissioning Plan';

.12 (e) An independent and certified professional engineer shall be retained at the Facility Owner or Operator's expense to estimate the total cost of decommissioning (decommissioning costs) without regard to the salvage value of the equipment, the cost of decommissioning net salvage value of the equipment (net decommissioning costs). Said estimates shall be submitted to the Village after the first (1st) year of operation and every third (3rd) year thereafter.

Ms. Calta said they at that point would already have on file a Performance BOND which is supposed to be sufficient to cover the demolition and removal of the wind turbine.

Mr. Kucharson said we had discussed how often we were going to renew it. As time passes, the costs would go up so we have to assess whether the amount of the BOND is sufficient.

Ms. Calta reads under Performance Bond;

.11 (b) (1) On each biennial anniversary of the issuance of the Certificate of Occupancy for a wind turbine, or not more than ninety (90) days prior to that date, the permit holder shall provide to the Building Commissioner proof that the performance bond requirements of this section are met.

Mr. Marrelli said we do a Certificate of Occupancy one time for any building that is built. That goes on forever. Don't forget this is under a Special Use Permit which is different than a Conditional Use Permit which is renewed every two years. Special Use Permit is permitted by right.

Ms. Calta suggested putting it under a Conditional Use Permit, and when it comes up for renewal in two years, one of the requirements would be to make sure the BOND is sufficient for decommissioning. Then we could change the decommissioning report to every two years and they would correspond. I'm thinking out loud here, or we can add; and in addition shall be reviewed every two years, because you can put a condition on a Special Use.

Mr. Marrelli said the whole thing boils down to, once we get a BOND, we have to be reasonably assured that it's not going to be dropped by the Owner, that it's enforced at all times, and that it's sufficient to take this machinery down in the event that someone goes bankrupt.

Ms. Calta added that also separately from the BOND, they have to maintain their INSURANCE.

Mr. Marrelli said as far as providing proof of the Performance BOND being in effect, if we issue an occupancy permit on Apr 15, 2011, by Apr 15, 2013 I should have a renewed BOND with the updated cost. One thing that comes to mind for Ms. Calta is BONDS that may only be issued for one (1) year at a time.

Mr. Cappello said we get three (3) year BONDS for roadway projects. You can get one for any period you want. It's a matter of re-writing it to carry a longer period of time and it'll cost more money. If you're doing a BOND that's just a fixed number i.e. if someone says it's going to take \$50,000 to remove (decommission) this, if you go five (5) years you might make it \$55,000 just to give yourself some inflation protection. That's good for five (5) years, and you can re-calculate at the end of the five (5) years.

Mr. Kucharson agrees it's a good idea to build a cushion.

Mr. Marrelli asked, would we have the authority to abate (decommission it) if the BOND & Owner went south?

Ms. Calta said yes;

.12 (g) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed, then the Village may take such measures as necessary to complete decommissioning. The landowner shall promptly reimburse the Village, and in any event within thirty (30) days of the Village's demand, all costs associated with the Village's decommissioning of a Wind Energy Facility. Said costs may be certified to the county auditor as a lien upon the property should the landowner fail to promptly reimburse the Village within the time frame set forth above.

NOTE: Change County Auditor to Fiscal Officer.

Mr. Kucharson said because the bond requirement is on each biennial anniversary of the issuance of the Certificate of Occupancy, take a look at **.12 (e)**; “The decommissioning report estimates shall be submitted to the Village after the first (1st) year of operation and every third (3rd) year thereafter”. The report is every 3 years, but the BOND is biennial. John agrees they should be at the same time, but things could change, i.e. fences might go up, buildings could get in the way.

Mr. Cappello said we decided these turbines are allowed only in Production-Distribution districts. Did we plot a zone? I remember when we did the gas wells and I plotted areas on our Zone Map.

Mr. Marrelli said my thinking is along the freeway which is pretty much where all the municipalities are asking they be placed because it’s wide open to the wind. They could be 180’-500’ high. Our tallest building is Campus II at 80’ high. Imagine something 3-times that height. I’ll go on record saying I think the best place, if we ever get one in town would be by Campus II near the substation, somewhere in that expansive parking area that’s hardly used, somewhere between the high tension wires and the building.

Ms. Calta asked, when do we want them to submit their decommissioning estimate?

Mr. Marrelli replied at the time of permit, as part of the permit process they give us cost estimate for decommissioning so they could get their BOND, then every two (2) years to keep consistent.

NEXT STEP

Discussion Ongoing.

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Temporary Advertising Signs

Mr. Marrelli said everyone’s out there trying to attract their customers. We’re a little Village. Someone will buy a little \$29 plastic sign put it up in their front yard saying; “Happy Hour Specials”, “Join the Player’s Club & Earn Rewards”, “Free Krispy KRM with purchase of coffee”, “Open for Brunch”, etc. My personal opinion is it’s all pretty harmless stuff. We don’t permit these signs. I have to tell the businesses to take them down.

I want you to think about this. See if you can envision our Village having some kind of regulations where a business can put a little sign up for a couple weeks at a time, maybe 4- 6 times a year to help people generate business. You can drive by a place 1,000 times and never go in because you forget it’s there. We’re trying to be business friendly, but our sign ordinances won’t allow it. I had to tell the Hilton Garden Inn hotel Manager he can’t advertise for “Easter & Mother’s Day Brunch”.

Ms. Calta recalls a few years ago BZA approving a couple buildings on Beta for temporary lease sign banners.

Mr. Marrelli said we're about to turn the corner on that. A big commercial real estate company came in and said they can't rent anything on Beta and they need to show some attraction to the freeway with a banner on the back of their building. We went to BZA because we have no regulations for that. They allowed a banner to be up for 6 months, taken down for 30 days and then a renewal for 6 months. A rule was never written. Do I want to take everybody to the BZA every time they want to put up a little sign? No.

Ms. Calta said what happens is if you let temporary signs in unregulated, then you're letting them in completely unregulated.

Mr. Marrelli states there're places in a Village setting like Chagrin Falls who allow their merchants to put stuff out in front of their building and don't require a permit. They have to take them in at night. I could live with that.

Ms. Calta said they'll tell you they don't have any place to store their temporary sandwich boards at night. Then you get the request for them to store them outside. Then you have stolen signs.

Mr. Marrelli said the alternative is Austin's coming in to put up an Easter Special sign for 2 weeks. I can write him a permit for 2 weeks to put that up. I don't know if that gets out of hand or not. Do we want to delve into that area?

Ms. Calta said once you jump in, you're in. H. Jacks the Plumber walking around with his sandwich board is a temporary sign. I like the idea of the holiday brunch signs.

Mr. Marrelli would like the Members to think about it. We'd regulate it like a real estate sign; size, location & amount of time.

Mr. Kucharson thinks it makes sense at holiday times.

NEXT STEP

Discussion Ongoing.

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ADJOURNMENT

There being no further business, Mr. Kucharson, seconded by Mr. Catalano made a motion for adjournment. Meeting adjourned at 6:20 p.m.

Respectfully Submitted,

Deborah Garbo
Executive Assistant
Building Department