

**ORDINANCE REVIEW COMMITTEE
MEETING MINUTES
Mayfield Village
May 10, 2011**

The Ordinance Review Committee met in regular session on Tues, May 10, 2011 at 5:00 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Saponaro presided.

ROLL CALL

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

Absent: Mrs. Mary Ann Wervey
Mr. Bill Marquardt Council Alternate
Ms. Diane Calta Assistant Law Director
Mr. Tom Cappello Village Engineer

Also Present: Ms. Deborah Garbo Secretary

CONSIDERATION OF MEETING MINUTES: **April 19, 2011**

Mr. Marrelli, seconded by Mr. Catalano made a motion to approve the minutes of April 19, 2011.

ROLL CALL

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

PROPOSALS

1. **Review Draft Zoning Standards Wind Turbines** (Bldg Dept)
2. **Discussion Section 1157.06; Accessory Uses** (Bldg Dept)
3. **Discussion - Temporary Advertising Signs** (Bldg Dept)
4. **Sign Ordinance Amendments** (Law Dept)
Sections 1185.10 & 1185.14

OPEN PORTION

Zoning Standards – Wind Turbines

Chairman Saponaro called the meeting to order.

Mr. Marrelli states Diane Calta is not here tonight, but is working on making the final changes that we talked about at our last meeting.

Chairman said hopefully we'll have those changes for the next meeting and we can get this wrapped up in the form of a motion.

Mr. Catalano asked John if anyone has come in with a proposal on this.

Mr. Marrelli replied no and I don't know if anybody ever will. If they do, I'd rather have it.

NEXT STEP

Law Dept making final changes. Review final draft next meeting.

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Section 1157.06; Accessory Uses

Mr. Marrelli said this stems from the Hamill / Scasny cottage case. To bring you up to date, they've hired an Attorney. Our side and their side are supposed to meet to discuss what has happened in the past and what a possible scenario would be to come into compliance. Council overturned the Zoning Board of Appeals. Then they were overturned, so it comes back to my Order to put it back to the way it was approved. I'd like this Committee to hold this issue in abeyance until the outcome of the Court Case.

Chairman Saponaro thinks at a minimum the clarity we have to provide is any accessory use building of any kind cannot be a dwelling unit. We'll go from there and see if there's any other language we can add to it.

Mr. Marrelli agrees and thinking out loud, maybe out of this Court Case we come to the conclusion that certain utilities won't be permitted to go to a detached accessory building.

NEXT STEP

Proposal On Hold pending litigation of B.O.A. Case # 2010-02

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Temporary Advertising Signs

Mr. Marrelli said I have merchants up and down SOM & Wilson Mills Rd. Everybody has these little signs saying; lottery up to \$500 million, special on acrylic nails, etc. Our code doesn't allow these signs. I have a hard time telling these merchants to get rid of the signs and stop advertising. I'd like to look for an avenue to allow people to advertise at least around the holidays if nothing else; Mother's Day, Christmas, Easter, Thanksgiving. If you're running a special, let them put a sign out 2 weeks prior to the holiday. I really don't know how to address it. I can tell you that over the past several years we've been trying to just let things go and not enforce the law vigorously. It hasn't caused any harm to anybody. I'm sure it would have been more harm to the merchants had we strictly enforced the rule.

Chairman Saponaro asked what our real beef about it is.

Mr. Marrelli replied it's non-permitted.

Mr. Kucharson said Diane mentioned at our last meeting it could become a snowball effect and could turn into somewhat of a nightmare. I think her view was we need some parameters on it.

Mr. Marrelli agrees, i.e. size, time & location limits.

Chairman refers to Boston Heights Ordinance; DEFINITIONS General (5) Temporary sign means "a sign of restricted size, posted for a limited time, and regulated by their Chapter". We can do it, but there has to be a fee up front. The thing is, if you have to police it, there's a dollar amount attached to that. For example, when I ran for office, I had to give a \$200 deposit because it was \$2.00 for every sign I thought I was going to put up. Then I had to pay a fee for the signs. That hurts. If I didn't comply with it, I lose the deposit. I don't think there's anything wrong with that. There's something to be said about it.

Mr. Marrelli suggested the Committee look through the sample community Ordinances for some ideas.

Mr. Kucharson thinks we should permit certain things automatically, i.e. holiday advertisement. Another point is the Beta Drive commercial buildings need to advertise their vacancies. That makes sense.

Mr. Marrelli said you almost have to picture what it would look like if every business on SOM had a little sign on their sidewalk.

Chairman said just like we talked about turbines only being allowed in certain areas, I think we have to delineate the exact area where this would be allowed to take place.

Mr. Marrelli also would like it so they have to be picked up at the end of the day.

Chairman comments with most leases that I do there's a prohibition against it because the landlord doesn't want it on the sidewalk where someone could trip and fall and they could get

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sued. It's a liability issue number one. Number two it's just a clutter issue. Then they don't want to pay someone to enforce it. I think there's some self regulation there anyways.

Mr. Marrelli said our little town square has a feel to it that I don't think would be hurt if somebody could put out a little sign during the day.

Chairman agrees, but aesthetically limiting it.

Mr. Catalano asked John what he'd consider the sign hanging at Fisher's.

Mr. Marrelli said that would be one still not permitted. That's a banner across their railing that advertises Happy Hour which I told them to get rid of. They'd have to go with a little sign.

Chairman said temporary type of banners I think we should permit for a period of time, i.e. an event (allow for 1 wk before & 1 wk after), a grand opening, now hiring. A fee should be involved and they'd have to comply.

Mr. Marrelli said that's two different scenarios, day to day business and the other special events. Diane liked the Village of Burton's Ordinance. Again, over the next couple of weeks, jot down some ideas. I don't know that Council will see it the same way. They might see it as we have a nice look, let's keep it that way.

Chairman Saponaro said if it's a nice clean look and it's been that way, that's different, but it's not. It's clean because it's consistent. It's not offensive. A sign that I have an issue with is the Italian Beef sign @ Tommy V's. I'm Italian but I don't know what Italian Beef is. I know what capicola and soppressata are. What the heck is Italian beef, is it bracirole? You got 2 neon signs there.

Mr. Marrelli said they're not neon. They're LED's behind a face. They're not allowed to be lit.

Chairman said that's something blatant that people see and ask, how come he's allowed to have that and I'm not?

Mr. Marrelli said don't forget you have 2 Hotels on Beta, one in the Motorist District and one in the Industrial District. They both need some ability to advertise. Neither one is allowed. I know the Holiday Inn puts out a Gift Box during Christmas and an Easter Bunny during Easter. None of that's permitted. The Hilton Garden had the foresight to ask me flat out if he could do a 'Mother's Day Bruch' sign. I had to respond that we have no provision for that but we're looking into doing things like that. They're not in the same zone. They're not in the Local Business District.

Chairman said we need to know the zoning on all this. I definitely don't want any residential. I don't care if you're a home business or not, even if it's on SOM, absolutely not.

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Mr. Marrelli said we have a couple quirky things, i.e. Dr. Eadie in a residential zone on a Non-conforming Use, Hilton Garden Inn on a CUP, so when you try to put them in category, they're all a little different.

Chairman Saponaro suggested Tom Cappello put something together with parameters on our zoning map.

Mr. Marrelli said then I can offer that information and say "Here's the zone for temporary signs and you're not in it". But here's what you have to watch; you have Fisher's, then houses, then the Fire Station & the School Building. There's this area out of the zone in between two zones. I hope we're not opening a can of worms.

Chairman still thinks it needs to be addressed.

Mr. Kucharson concerned about the H. Jacks Plumber kind of advertisement.

Chairman said as long as he's not rooted where his sign is touching, he's not stationary. As long as he can move, he's allowed. He's a walking billboard.

NEXT STEP

Committee Members to review Neighboring Community Temporary Sign Ordinances for comment.



Sign Ordinance Amendments
Sections 1185.10 & 1185.14

Mr. Kucharson said we talked about the political signs last time about how it's almost impossible for us to enforce them. Joe, in your instance, you gave a deposit. In many instances they do not.

Chairman Saponaro said every time I would put a sign up, Bernie would go around and take them down. He'd give them to Pat Dearden. I asked, what are you taking my signs down for? He said, you're not allowed to have them there. I said that's Musca's property, I'm allowed to have them there. He said no, no. Then someone would put them back up. It became a little bit of a game, a bit of a tug of war. Then during that same time frame, case law came out that you can't charge people to place a sign in their yard because if they want to say they believe in issue A or B, there shouldn't be a cost attached to it. So I went to Phil Brett for my money back. He said he'd check into it. I'm not worried about my \$180. I'm concerned about us being consistent. This I think has been the big problem.

Mr. Marrelli agreed. The last Election Lanci challenged us on it. They handed us the case law and told us we can't charge them. This is why we have to re-write our political sign ordinance, which we will most likely not charge people to place a sign.

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Chairman asked, can I have my refund back please? John asked you never got it? Chairman said never got it back. Really John, we have to be consistent.

Mr. Marrelli said it's not enforceable. The rules on the books don't work. In this case, I think you take the rules off the books.

Chairman said that's the other side of it. I don't want to create laws that are A) are non enforceable or B) the cost to enforce them are absolutely ridiculous.

Mr. Marrelli said I think the Federal Government is saying this is a freedom of speech issue and if someone wants to put a sign in their front yard to vote for whomever, let them. We can restrict the size, area, and make it simple. I think that's reasonable.

NEXT STEP

Law Department drafting amendments.

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OLD & NEW BUSINESS

Chairman Saponaro asked if anything else is brewing.

Mr. Marrelli replied no. If we can get these couple items wrapped up, I think we're good for the summer.

- **Commercial Vehicles**

Mr. Catalano concerned about the commercial trucks parked in the driveways on SOM.

Mr. Marrelli said just so you know we've done our spring drive-by and handed out courtesy notices on campers and trucks.

Chairman Saponaro asked John to drive by the Smakula property. The cars in that driveway never move, never.

- **Bushes blocking public sidewalks & vehicle visibility**

Chairman Saponaro said an issue brought up at Beautification and Citizen's Advisory is the pond area by Smakula's. The area by our little bridge has a ton of overgrowth. It's a huge safety issue, you can't see around the corner at all.

Ms. Garbo advised Chairman that Doug Metzung is following up on the overgrowth at Smakula's property. Doug was out at the site today.

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Mr. Marrelli said I've had this issue elsewhere with bushes & trees at the end of a driveway and you can't see when you pull out. I went into our ordinances and we have nothing that covers it. I know a lot of city's have an ordinance that says you can't plant anything within 20' of the sidewalk that would block a view of a car pulling out or at a sidewalk intersection. We should have something.

Chairman Saponaro advised we need to talk about this at our next meeting. We also need to talk about piling snow.

Mr. Catalano said we have a case coming out of Hickory Hill looking south, you have a bad blind spot because of pine trees. You have to pull into SOM Ctr to get a straight view down south.

- **Garbage Cans out 24/7**

Chairman Saponaro brings up concern about garbage cans out 24/7 on the side of garages.

Mr. Marrelli said there's no law against that. Everybody thought you had to keep your cans either behind the house or in your garage. You could read that book 12 days to Sunday. It doesn't say that. It says you can't put your trash out on the curb except for 5:00 p.m. the night before.

Chairman Saponaro advised we need to talk about this at our next meeting.

- **Movable playground equipment**

Chairman Saponaro said another complaint I get is movable playground equipment in front yards, i.e. jungle gyms. I'm not sure what other cities do about that stuff, if anything. Let's talk about this at our next meeting.

Mr. Catalano said in spring of 1957 I had major work to do on my Cabin Cruiser. I had taken the fuel tank and engine out the previous fall. I had to go to Mayor Earl Aurelius to get permission to bring it home for 14 days. The day I brought it home, I had to call him to tell him it was in my backyard. He walked up to make sure he couldn't see it from the street. Fifteen days later he was up my driveway to make sure it was gone. That was University Heights.

- **Advertising Sign Fines**

Chairman Saponaro asked, back to advertising signs, do you send the notice to the landlord and the tenant?

Mr. Marrelli replied both.

Chairman said o.k., we send it, they still violate, do we then fine them?

Mr. Marrelli said no. They get a ticket, go to court and explain it to the Judge.

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Chairman asked why we can't create a fine.

Mr. Marrelli said don't know. Maybe we could. I always thought you had to go to court and have a finding before you could collect a fine, that you had to be found guilty first.

Chairman Saponaro asked, when somebody doesn't cut their grass, the Service Dept cuts their grass and we charge them for it. Do we have to go to court to charge him for it?

Mr. Marrelli said no. It's called abating a nuisance.

Chairman Saponaro wonders if we can't fashion it the same way. This is one for Diane Calta.

ADJOURNMENT

There being no further business, Mr. Marrelli, seconded by Mr. Kucharson made a motion for adjournment. Meeting adjourned at 5:40 p.m.

Respectfully Submitted,

Deborah Garbo
Executive Assistant
Building Department