

**ORDINANCE REVIEW COMMITTEE
MEETING MINUTES
Mayfield Village
March 13, 2012**

The Ordinance Review Committee met in regular session on Tues, March 13, 2012 at 5:10 p.m. at the Mayfield Village Civic Center, Main Conference Room. Chairman Marquardt presided.

ROLL CALL

Present:

Mr. Bill Marquardt Chairman
Mr. Jerry Catalano
Mrs. Mary Ann Wervey
Mr. Casey Kucharson
Mr. John Marrelli

Also Present:

Ms. Diane Calta Law Department
Mr. Tom Cappello Village Engineer
Ms. Deborah Garbo Secretary
Mr. Tom Marrie Councilman

Absent:

Mrs. Patsy Mills Council Alternate

CONSIDERATION OF MEETING MINUTES:

Dec 13, 2011

Jan 10, 2012

Mr. Catalano, seconded by Mr. Marrelli made a motion to approve the minutes of Dec 13, 2011.

ROLL CALL

Ayes: All
Nays: None
Abstain: Mr. Marquardt

**Motion Carried
Minutes Approved As Written.**

Mr. Catalano, seconded by Mr. Marrelli made a motion to approve the minutes of Jan 10, 2012.

ROLL CALL

Ayes: All
Nays: None

**Motion Carried
Minutes Approved As Written.**

PROPOSALS

1. Temporary Advertising Signs (Bldg Dept)
2. Rubbish Container Screening (Residential Areas) (Bldg Dept)
3. Riparian Setbacks Ordinance CRWP Draft (Eng Dept)
4. Contracts: Advertising for BIDS; Award Section 123.02 (Bldg Dept)

OPEN PORTION

Building Commissioner John Marrelli called the meeting to order beginning with the 2012 Organizational meeting.

ORGANIZATIONAL

Election of Chairman

Building Commissioner Marrelli opened the floor to a motion for Chairman of the Ordinance Review Committee 2012 nominations.

Mr. Catalano, seconded by Mr. Marrelli made the motion to nominate Bill Marquardt.

Building Commissioner Marrelli asked if there was any discussion. There was none.

The nominations were closed.

Building Commissioner Marrelli asked for a Roll Call on the nomination.

ROLL CALL:

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

Nays: None

Motion Carried

Bill Marquardt to serve as 2012 Chairman.



Temporary Advertising Signs

Chairman Marquardt begins, first item on the agenda, temporary advertising signs.

Mr. Marrelli said we're working on an outline. We're down to the following:

- Type. A-Frame signs for the local retail areas.
- Size. I'm looking to Willoughby regulations for sandwich board signs; not to exceed 3' in height or 2' in width.
- Language. 'During business hours only' so they're picked up at the end of the day.
- Districts permitted. Willoughby has a DB District, we have a 'Business District'. We have 3 categories of Business District; Office-Laboratory, Motorist-Service, and One Story-Office. That will take care of Wilson Mills and SOM.
- Time limit. Not more than two 2-week periods per year are for Special Events, i.e. Grand Opening. Size 8 sq ft. Banners have to be attached to the front of the building, not in the yards.

Chairman Marquardt said Progressive's banner sign isn't attached to their building.

Mr. Marrelli agreed. The front of Progressive's building is a mile from the street. We have to be able to be flexible. I think we talked about language that gives me authority to make exceptions.

Mr. Marrelli continued. Last June the Citizen's Advisory met and Tom Marrie was involved in that. Some of the issues they talked about were allowing the temporary advertising signs, but not requiring an annual fee. The businesses didn't want the time restriction of only two weeks before a Holiday / Special Event banner. They did feel there should be restrictions for size, location and number of signs per property.

Councilman Marrie added that the Citizen's Advisory group felt they didn't want to penalize the businesses.

Mr. Marrelli agreed. We want to help them to get more business without getting trashy. If it becomes a problem we revisit it. Downtown Willoughby has pretty much this same stuff.

Councilman Marrie said I don't think the look is offensive. I think it's business friendly as long as it's not a 30' banner across the front of their lawn.

Mr. Marrelli said we're allowing it with conditions and limitations.

Councilman Marrie asked if Austin's building sign falls within the 8 sq. ft.

Mr. Marrelli said it might be 10 sq. ft. It's been there for years. Has anyone ever said anything?

Councilman Marrie replied, not one complaint.

Mr. Marrelli said right now it's not allowed by our code, now it will be.

NEXT STEP

- Law Dept to draft language per discussion.
- Upon completion of draft, Planning Department to distribute to businesses for review & comment prior to adopting legislation.



Rubbish Container Screening

Mr. Marrelli said we're going to have trouble with the recently passed amended 2011-32 Ordinance. One reason is that our Service Director has informed us we're going to go with the 64 gallon recycle bins. So you're not only going to have a garage bin, you'll have a recycle bin.

Mr. Catalano asked if he could keep the old yellow one in his garage to empty into the larger one.

Mr. Marrie said yes.

Mr. Marrelli said the mechanics of it is that when you put both those bins out, the truck picks them up.

Mr. Marrie said the Village will save money. It's a fact, 4 or 5 communities around us have these and their recycling goes way up.

Mr. Catalano asked if the recycling material is going to be picked up by a separate truck than the rubbish.

Mr. Marrie said yes. I think it's the way to go. We ran it by Citizen's Advisory and Recreation Board. It came out 24 out of about 25 people all for it. People like it because it has wheels.

Mrs. Wervey concurs the wheels will be great. When does it start?

Mr. Marrie replied another month or two.

Mr. Marrelli said that brings us back to the storage issue. We already have people yelling about not enough room in their garage for the garbage container, now they'll have a second container. If we could come up with a guideline that people don't store their cans beyond the front of their house, beyond the front of their garage in the driveway. I'm drawing an imaginary line across the front of the house and saying anywhere behind that is o.k. to store your garage cans.

Mrs. Wervey questioned where this started, with complaints that people were leaving their cans in the front?

Mr. Marrelli replied it started with a complaint that came through to a previous member on this Committee about people's issue of having to look at their neighbors rubbish cans. We started looking into it.

NEXT STEP

Law Department to draft language amending Ordinance 2011-32, Section 1363.02.



Riparian Setbacks Ordinance

Mr. Cappello said for the Phase II second 5 yr term, we're required to pass certain ordinances. We've already passed the Stormwater Quantity & Quality Ordinance, Erosion & Sediment Control Ordinance and the Elicit Discharge Ordinance. There's a requirement for Riparian Setback. A Riparian Setback is an area measured from what they consider the normal high water of a creek or a stream edge (not the center of the stream, but the edge). They have two distances that affect Mayfield Village, the 25' setback & the 75' setback. If you drain less than a 1/2 square mile of area, the setback is 25' measured from the high water at the edge of the stream on either side. If you drain over 1/2 square mile (which is 320 acres), then you have the Ordinance that requires you to go to 75'. That limits from 1/2 sq. mile to 20 sq miles. Above that is a larger setback; 125' which doesn't affect us at all.

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Pg #5

A map was prepared by the Chagrin River Watershed Partners. The yellow is the 75' setback area. It affects some things in the Worton Pk area mostly, and then some through Beta and Progressive. The blue is the 25' setback area. It affects a greater number of people in the Village.

There are a total of 1,436 parcels in Mayfield Village. Within the riparian setback are 332 parcels.

Mr. Marrelli asked, does that mean creeks are running through?

Mr. Cappello said yes, and these are parcels of land that the setback would touch, not necessarily homes.

Chairman Marquardt asked what the setback prohibits you from building.

Mr. Cappello replied if you have something there today, before this ordinance passes, you're grandfathered. It basically helps keep the streams vegetated. You keep trees in that runoff that heads toward the stream, you have this canopy, it keeps the water cool. If you have a vegetated area, any runoff that heads towards the stream gets filtered. It's for the health of the stream and helps in the erosion issue. If you decide you want to put something in the setback, there's a variance process.

Mr. Marrelli asked if there's any affect on height. On Meadowood, the houses are 150' above the creek.

Mr. Cappello said you measure in a horizontal direction. We were out looking at Mr. Scasny's wall he built on Meadowood, if he was within that 75', he couldn't have built that without a variance. That ravine is over 100' below grade where his house is. We can look at these individually, case by case basis.

Mr. Marrelli said this prevents people from clear cutting up against a creek.

Mr. Cappello said or paving right next to the creek. A lot of problems with stream habitat is the increased water temperature. By having the buffers along the creek edge, you promote cooling.

Mr. Marrelli asked if a fence is included in the draft. I'd be worried about the fences and sheds.

Mr. Cappello refers to Pg 9 USES PROHIBITED IN RIPARIAN SETBACKS;

- A. Construction. There shall be no buildings or structures of any kind.
- B. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.
- C. Fences and Walls. There shall be no fences or walls, except as permitted under this regulation.
- D. Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.

Mr. Cappello will go through and verify items in this section.

Mr. Marrelli said I'm not comfortable with the Planning & Zoning Commission working on this. If there's an appeal, it should go to the Appeals Board. Tom will make this change.

Mrs. Wervey asked if there's a process to appeal the map by a Homeowner, i.e. if it shows a creek there and there isn't.

Mr. Cappello said yes, you can appeal the map through the variance process and say that creek no longer exists, it got covered up. These lines on the map are just schematics. How you measure, you literally go out.

Mr. Marrelli asked if we have to do this for FEMA.

Mr. Cappello replied no. We do it for EPA & Phase II.

Chairman Marquardt said basically you have to consider this for any permit that gets applied for.

Mr. Cappello said correct. One other thing is the 100-Year Floodplain and the blue shaded 'riparian setback area'. They'd like you to include that in there. If you look at Progressive, the riparian setback may not be including the floodplain. I'll verify this because you're allowed to build in a floodplain, but you have to meet certain criteria, as long as you're in the floodway fringe, not the floodway. As long as you prove you're not increasing the water surface elevation by a certain amount or you do work to enhance floodplains in another area close by. That has to be included. The riparian setbacks in these areas that have larger floodplains are including the floodplain.

Mrs. Wervey asked, they'd like you to include it, or do you have to include it?

Mr. Cappello refers to Pg 6 item D. 3;

"In many communities, extension of the riparian setback to the outer edge of the 100-year floodplain will represent a stronger standard than that found in a community's Flood Damage Prevention Ordinance as required for participation in the National Flood Insurance Program (NFIP). The standards required by NFIP are minimum standards and communities are encouraged by FEMA and the ODNR Floodplain Management Division to enact stronger standards. A Riparian Setback Ordinance is such a standard".

Mr. Cappello said they encourage you to do it. I'll look into this more. I'll ask if this comment means 'it needs to be done'.

Mr. Marrelli asked who measures this stuff.

Mr. Cappello replied I would. It's pretty clear. If any discrepancies, you'd contact ODNR or the Core.

Mr. Marrelli in thinking about various application requests for, i.e. shed, pools. An in-ground pool usually isn't a foot higher than grade so it might not be considered a structure, so it might not fall under this. Tom said that's considered paving. John said this'll be a learning curve.

NEXT STEP

Mr. Cappello to work up draft and make changes for review at April 10th meeting:

1. Board of Appeals for any appeal vs. Planning Commission.
2. Clarification on Fences & Accessory Buildings.

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**Contracts: Advertising for BIDS; Award
Section 123.02**

Mr. Marrelli said this is something Department Heads have been moaning about for some time. There's a spending limitation of \$2,500 for anything we need to get done without going to the Finance Committee for approvals. For instance, the doors on the front east end of this building are rotting out, falling apart. When the janitor popped it open, the whole bottom fell out. I got quotes for the doors. My best quote was \$5,000. The Mayor's spending limit is \$2,500 so I have to get a proposal, go to Finance Committee, go to Council, they have to approve it. To make a long story short, for me to get 2 doors built, it takes 6 weeks of approvals. This \$2,500 from what I gather was not only done in 1990, but I found out today it was \$2,500 in the 80's. Under Mayor Carmen it got knocked down to \$1,500 and then went back up to \$2,500. Nevertheless, you can't get anything done for \$2,500.

We're looking for an increase to at least \$5,000. If you do the calculations of the value of a dollar from 1990 to now, it's \$4,350, close to \$4,500. We'd be keeping in the percentages. I talked to the Service Director about it. He buys a pair of tires for a truck and goes through the same process with Finance Committee & Council. He said it sure would make his life easier.

Mr. Kucharson asked if increasing it to \$5,000 will solve most of the problems.

Mr. Marrelli replied, a lot of them. Too many things are landing between \$2,500 & \$5,000, i.e. electrical work, shades, etc. I asked the Finance Director if this'll lighten the load on the Finance Committee. He said it should. I suggested \$7,500 and he thought \$5,000 would help a lot.

Chairman Marquardt suggests running purchase orders from the past year in that range, see what percentage that is and get a total.

Mr. Marrelli said I can do that.

Mr. Kucharson thinks it makes a lot of sense. I also think we should build in an automated escalator to increase it.

Mr. Cappello asked if you would adjust for inflation.

Chairman Marquardt thinks it should be left at a fixed amount vs. building in an escalation factor. You could always do it again in 5 years and raise it.

Mr. Marrelli will request Finance Dept run calcs on 2011 expenses over \$2,500 and less than \$5,000.

Ms. Calta asked if anyone's brought up the advertising for BIDS involving the expenditure of more than \$10,000 requirement to be made by motion of Council.

Mr. Marrelli thought that was a State Law.

Ms. Calta said the State Law just jumped up to \$50,000.

Chairman Marquardt thinks \$50,000 seems terribly high.

Ms. Calta agrees it's high.

Chairman Marquardt suggests getting numbers to see how many things have been impacted by this.

Ms. Calta states, I throw that out because I've had questions recently; "Do I really have to go out to BID?" If increased, there still would be a requirement to get proposals and go through a process, but you wouldn't go through the advertising, legal notices and BID opening.

NEXT STEP

Mr. Marrelli to get numbers from Finance Dept for 2011's \$2,500 Mayor's Spending limit and the \$10,000 numbers for Competitive BIDS.

ADJOURNMENT

Chairman Marquardt stated if no other business, I'd like to entertain a motion for adjournment. Mr. Catalano, seconded by Mr. Marrelli made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried.

Meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Deborah Garbo

Executive Assistant

Building Department