

Safety Committee Minutes
February 8, 2024

PRESENT: Committee Chair Lisa Maruschak, Committee Vice-Chair Stephanie Palmisano and Committee member Lesley DeSouza; Clerk of Council Allen.

The meeting was called to order on Thursday, February 8, 2024 by Chairwoman Maruschak at 5:02 p.m.

Clerk Allen called the Roll call: Maruschak, Palmisano and DeSouza

Chairwoman Maruschak: Opened the discussion with New Business Chapter 1193 – Yard Structures and Landscape Features. As you drive around the neighborhood, as a safety concern, you will see especially on corner lots, hedges that are too close along the front lines, sidewalk line and have grown over the allotted specified size. This makes it difficult for residents see down the street. There are some along the front of yards, and then there are some that go all the way down the side and then go up to the sidewalk line.

Councilwoman DeSouza asked if this is for any home or are we looking only at corner lots?

Chairwoman Maruschak stated that she feels it should be to any home.

Councilwoman DeSouza stated that she knows of a home with a huge tree next to a driveway and when they pull out, they can't see the street. I'm surprised that nothing has happened because of the number of children on the street.

Chairwoman Maruschak stated that that's another issue. As we look at sections (h and i) places that I think can be better defined. If you look at section (f), although it refers to fences it defines the use, location. There is a lot that refers to fences, I don't think it takes into account people at one time planting bushes/trees and now they have grown into barriers, especially on corner lots. Section (i) which in no event shall be permitted to grow above three feet in height. I think this is a big safety issue. Any trees within a side yard shall have the branches trimmed so as to provide a minimum distance of eight feet from the ground to the lowest branches when such branches are located within 15 feet of the intersection of a driveway with a public sidewalk.

Councilwoman DeSouza added that this is a contention of a lot of people. Neighbors' trees are hanging over the fence and actually get hit in the head with the tree branches, but they're technically not supposed to trim them because it's not their tree. The issues are actually 1. Fences going down on corners for street traffic, 2. Obstruction of driveway traffic and 3. Trees or bushes that are encroaching upon a neighbor's yard that is obstructive and height of said hedges.

Chairman Maruschak stated that in section (f) it says fences, I think it should say (yard structures and/or growth).

Councilwoman Palmisano asked in section (f) it states the fence shall be no further towards the street than three feet past the side entrance on the driveway side of house. Are you saying that residents are not following that ordinance?

Chairwoman Maruschak stated that with the fences, not with hedges and yard structures.

Councilwoman Palmisano added if I understand you correctly, they are using the ordinance correctly with fences, but they are substituting them with hedges. Could we just add in hedges and fences into the ordinance?

Chairwoman Maruschak agreed with that statement. Added that when we are looking at height in section (i). What would be a height? Nothing contained in this section shall apply to shrubbery for decorative purposes, which in no event shall be permitted to grow above three feet in height. I think that statement needs more clarification.

Councilwoman DeSouza stated that there is a home on York Road with hedging all the way around the property. Is that obstructing traffic? It's maybe 2 feet, but that is an example of how it should be, but the hedges are right on the sidewalk. It's still not compatible. There are a couple on Manorford as well.

Chairman Maruschak added that she thinks over time they have grown that way. But now we're in the position that we need to change this. We have to enforce it as well. We need to include a timeline as well because under legal/remedies there's nothing about timeline. I'm feeling bad for people at this point because they are going to have to rip out bushes. It's not an easy task and it can be costly; but I feel that it's a safety issue.

Councilwoman DeSouza asked if they could trim the bush back to the sidewalk line, could they be grandfathered in? As long as those bushes are trimmed back so they are off the sidewalk, you can prove that those bushes have been there for 100 years.

Councilwoman Palmisano added that she doesn't feel that they should be grandfathered in. We should be asking ourselves is it a safety issue or is it not. I think we need to take a stance. Everyone has to comply with it as a safety issue. Perhaps we should add the department responsibility into the ordinance to make sure properties are up to code.

Chairwoman Maruschak added if we look at 1193.04 – violation; legal and equitable remedies. Let's look at 678.02 Failure to comply – section (a) If the owner, lessee, agent or tenant having charge of the lands mentioned in Section 678.01 fails to comply with the notice required by such section, the Director of Public Service shall cause such...

Councilwoman Palmisano added that we are stating that we have properties that are not in compliance, so first who's responsibility is it to make sure that they are following what we already have on the books, and then we can talk about what we need to change. Because this is a safety issue, I think it's important to document whose responsibility it is that residents are following the ordinances we already have.

Chairwoman Maruschak suggested carrying over some of the verbiage from 678.02 into this one but I would also like a more specific timeline added. I think some people are going to need more than the normal week to make the repairs/removal and they shouldn't be grandfathered in. These have deep roots, this is serious. It's not going to be an easy fix.

Councilwoman DeSouza added there should be a timeline difference for weeds and shrubs that are 100 years old.

Chairwoman Maruschak asked if everyone agrees with the verbiage that we give the residents time to fix the issue and if they don't then the city will come and cut them down?

Councilwoman Palmisano stated that I think we have to, because it is a safety issue.

Councilwoman DeSouza said we would have to put it on the books for the fines and fees, it's not going to be the same charge as cutting lawns, it needs to be a different charge. How do we determine how much the city will put on their tax duplicate?

Councilwoman Palmisano added that she would like to move the verbiage that talks about Director of Public Services from 678.01a into the ordinance for 1193. Maybe instead of adding fences and/or bushes we could use (a) to define what it is we're talking about, we can add fences, trellis's, bushes, yard structures, etc. We could start out with obstructions, so that if its not spelled out exactly the word obstruction would cover just about anything residents might use on their property.

Chairwoman Maruschak stated that we can give that to legal to see how best to use that. Back to height in section (i) in no event shall be permitted to grow above three feet in height when more than 15 feet from the intersection of a driveway with the public sidewalk. I think that needs to be written differently. I think this needs to go through legal and service because they are the ones seeing this on a regular basis. What does that mean to them? How would they prefer to have that worded so it has more teeth? Continuing on in section (i) Any trees within a side yard shall have the branches trimmed so as to provide a minimum distance of eight feet from the ground to the lowest branches when such branches are located within 15 feet of the intersection of a driveway with a public sidewalk. We need to add something that adds encroachment onto a neighbor's property? Moving on to Chapter 739 – Hotels, Motels, Tourist Courts and Rooming Houses and refer to Chapter 193.27 – Rentals as we go along. First item I think we need to look into Tourist Court, is this still verbiage used today? I would like to address the Airbnb's of today and very popular. Is this something we can incorporate into Chapter 739 or is this something we need to make an entirely new Chapter to discuss short term rentals or leases?

Councilwoman DeSouza stated that she felt that we'll need to incorporate 739 and 193.27 together. Tourist Courts are for motorhomes or trailer park locations.

Chairwoman Maruschak added that she feels legal will have to take a hard look into this. Is a Tourist Court relevant in Parma Heights? We might have at one point, but currently? When looking into this, I first thought we could add Airbnb's but looking at other cities, they have their own short-term rentals chapter.

Councilwoman Palmisano added that she feels a separate short-term rental chapter because we're talking about a business and then a homeowner. Maybe the distinction between a business and the homeowner could be income level.

Councilwoman DeSouza added that that if I own a home and rent it out for long-term rental or short-term rentals, both are considered businesses.

Chairwoman Maruschak added that that's why these are safety issues, as Airbnb's are popping up more and more, we don't know who's renting these homes out. We don't know who's coming in, there's no regulation within our city to protect the long-time residents. They are generating revenue and don't have any licensure or permit. These people should have liability insurance policies of \$300,000 that people are renting these out.

Councilwoman DeSouza asked do we want to regulate short-term rentals Airbnb's or do we want to prohibit short-term rentals?

Chairwoman Maruschak added that she feels that's something for legal to look into. I don't know. They can probably advise us as to how much we can regulate.

Councilwoman DeSouza stated that she would like to go to relate and/or prohibit and if legal says no, then we need to do regulations but I don't want to give them the option. In my opinion I would like to say no if we can legally.

Councilwoman Palmisano asked if it changes the zoning because homes are zoned residential, if you turn it into an Airbnb and you're not living in the home, you are only using it as an Airbnb does that change the zoning to commercial zoned area, should it. If it's only being used to make money than it should be zoned commercial it's no longer residential. There are difference ordinances you have to follow as a business zoned property. How else can it be regulated if not by the amount of income generated?

Councilwoman DeSouza asked if it's okay to rent your home out once a month or leaves for Florida for three months but another person rents it out monthly, how do you determine that income?

Chairwoman Maruschak added that other cities have people that do a short-term rental, they sign-up for a license, it covers them the whole year and they set a flat amount. Then they are registered. Then there is a tax regulation on that income. I think that's the way, if people are going to do this, they would be required to get the license and then if they are caught without the license then we can address that issue too. Before we do any of this, I think we first find out if this can be prohibited in the city.

Councilwoman DeSouza added that for example I've been living in my home for 30 years, and all of a sudden, my neighbor decides to turn his home into a business. I didn't sign up for this. I want to stay in my little residential neighborhood.

Councilwoman Palmisano asked at what point would we go out to get residential input that we're talking about in committee? I know they are public meetings. Would we go out to the residents and ask what their thoughts are on this? I think the Airbnb's are going to be a popular subject.

Chairwoman Maruschak stated that this would be something that the administration would look into.

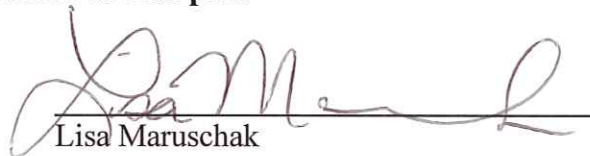
Chairwoman Maruschak asked for a motion to adjourn. So moved by Councilwoman DeSouza; seconded by Councilwoman Palmisano.

Council Clerk: Roll Call: Aye: Palmisano, DeSouza, Maruschak

Safety Committee meeting of 2/8/2024 is adjourned at 6:00 p.m.



Barbara Allen
Clerk of Council



Lisa Maruschak
Chair, Safety Committee