

Safety Committee Minutes **March 18, 2024**

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

The meeting was called to order on Monday, March 18, 2024 by Chairwoman Maruschak at 5:04 p.m.

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

Chairwoman Maruschak made a motion to approve the minutes from February 8, 2024; Seconded by Palmisano

Clerk Allen, Roll Call: Palmisano, DeSouza and Maruschak

Chairwoman Maruschak: Opened the discussion with Old Business Chapter 1193 – Yard Structures and Landscape Features. The notes from the last meeting that we would like to update or make stronger for the enforcement of the safety issues that we have seen in the city. Section 1193.01 we would like to put in a definition section, specifically defining obstructions.

Palmisano would like to leave the wording as obstructions instead of listing several things the way it is now. Obstructions could cover whatever we need it to cover. The director would have more recourse to address things that we need.

DeSouza thought it might be good to include view and physical, mobility.

Director Sepik asked are you looking from a vehicle's perspective, coming out of a driveway? Or as a person driving down the road coming out on a street?

Chairwoman Maruschak responded both. Some people have bushes going all the way down on the sidewalk line. As we move further along tonight, I don't think that's supposed to be happening. In section (i) it talks about the fence, and then it goes into the next section that says "nothing contained in this section shall apply to shrubbery for decorative purposes which in no event shall be permitted to grow above 3 feet in height or more than 15 feet from the intersection of a driveway or 18 inches in height when less from 15 feet from the intersection." I don't think it's being enforced in all areas. I think the wording just doesn't seem that clear to me from resident's perspective.

Director Sepik asked then to have shrubbery and trees as a separate item as well as inanimate objects too.

DeSouza asked about the distance of the fence or bushes from the sidewalk, where is that defined?

Director Sepik responded that only a corner lot could put a fence along their sidewalk.

Palmisano added that's why I wanted to change the verbiage to obstruction. It doesn't matter what it is, a fence, a bush, a political sign, it has to follow the height guidelines.

Chairwoman Maruschak added in (h) erection of fence on a corner lot shall not start any closer to the street than the set back of the house and not less than 2 feet off the sidewalk on the side of the existing property. This should read with yard growth and structures as well. I think when you have hedges like that, they are basically a fence, you cannot see through them. We agreed we do not want to grandfather them in for anybody who has them. They would need to pull them out.

Palmisano added that either they are a safety issue or it's not. There's no grandfathering anyone.

Director Sepik added that some of the fences that have been there for years, they are grandfathered in. I don't know if we can make them remove fences. We can go to legal about the bushes.

DeSouza stated that Maruschak's focus is where they obstruct the street; and my focus is where it obstructs coming out of driveways. There's one where the tree and other foliage that comes right to the street and unfortunately, they are healthy.

Chairwoman Maruschak added that in 1193.03 we wanted to add driveway traffic, not just traffic. If there are kids that are coming by and we don't want the inspectors to have a difficult time enforcing this either.

Palmisano added that I have questions about what department is managing these items. We have so many places that it's obviously against the current ordinance, how is this enforced?

Director Sepik stated that once it's on the books, our city inspectors can go through the streets, but if you have a tree that's been there for several years, that's when grandfathering plays a part.

Palmisano asked where is grandfathering here in the ordinance? Did I miss it? I don't remember reading anything about a grandfather clause. If we are excusing certain things from upholding the ordinance, shouldn't we include a clause in the ordinance so people can know, I don't have to follow this ordinance because my thing is grandfathered in per the ordinance.

Director Sepik added that legal would have to decide if we could go to a private residence and make them remove something that has been there for years and years. Do we have a right to ask someone to remove a healthy tree that has been there and has never been an issue before? We'll have to talk to legal on that.

Chairwoman Maruschak asked about trimming up the tree?

Palmisano added that obstruction is already defined by the height requirements. How is a tree different from a bush or a fence? I don't know, I'm trying to understand.

Director Sepik responded that we'd have to ask legal the definition.

Chairwoman Maruschak asked can we go to legal and add a definition section.

Palmisano would rather leave things as obstructions so that Director Sepik could use the term loosely as he saw fit.

Chairwoman Maruschak added that we could list (fence, bushes, trees) in the definition section and then add and anything else that is causing an obstruction to the view of traffic.

DeSouza added that if we are working with a resident and they become upset, we need to bring legal in to provide their input because they're the ones that are going to bear the brunt of the communications. Should

we have, can we have a grandfather clause, what would the Law Department think about going forward with the new regulations. How do we enforce it?

Director Sepik added that maybe we could trim the tree up so that you can see around the tree. As long as you're not concerned about the stump. I would then add something about the branches coming down.

Palmisano responded no, if they did that, they would comply with the ordinance. As long as there is a way to follow the existing ordinance.

DeSouza added that if there is a way to comply without removing existing structure or growth. To conform to the ordinance by adjusting the problem than by completely removing it.

Chairwoman Maruschak moved on to 1193.04 Violation. Adding some verbiage like 678.01 that includes a timeline, putting parameters into this ordinance. If for example the bushes need to be removed, no where in here does it state that if they don't do it in a reasonable time frame, the city will come do it at a cost.

Director Sepik added that we can't go on somebodies' personal property to do things like that, it's a lengthy court process. What we can do is site them, bring them into court and then the prosecutor works with them to either a) remove it or b) tries to work with them and (c) as a last resort have us remove it. I'm working on one now that's been in court since December. We don't want to go on anybody's personal property if we don't have to. Weeds and grass grow back, trees and hedges do not.

Chairwoman Maruschak added okay, but we could permanently damage something that's theirs even though it shouldn't be there. How long does the court process typically take before we act on that?

Director Sepik stated that it depends, we give them enough time to contact their own contractor. If they don't comply then we give them a 7-day notice, we exhaust every opportunity to give them ample time to get the work started. Once it's in the courts it's out of our hands. There's no real time frame. I'll take this to legal and see if we can work up something to bring back to you.

Chairwoman Maruschak moved onto New Business, discussion of AirBNB. Packets were distributed. Berea is opposing it too. It's made it to the House, but it's still waiting on the Governor approval. Don't know how long it has been there.

DeSouza added that isn't there something we can do in the interim? Other cities have been able to get it on the books in this interim?

Chairwoman Maruschak added that we can. What happens if the Governor comes back and we do all of this work and then he says

DeSouza added that we gave our due diligence and when people complain, we can at least say we tried. At least we tried to get something on the books, the Governor overruled us but we tried. I think it's an important thing to do. Either we're going to be out front and ahead of the game or we've done our best.

Chairwoman Maruschak we can make a play to send something over to legal and have them get started.

DeSouza asked if I own a house, I can supposedly do an AirBNB, can apartments sublease their units for 30 days to out-of-towners? Is that allowed? Or a condo, because you own a condo?

Director Sepik stated that he doesn't have the answer to that question.

Palmisano responded that most apartment complexes have their own rules on subletting. They would have to look at their rental agreement.

Chairwoman Maruschak added that if they didn't abide by their contract, that would be something to look at as well. At our next Safety meeting, see what we do like and don't like or things they might have missed that we should include and get that together for the Law Department.

Director Sepik added that his office has done some research and can forward this to the clerk.

Palmisano was going through the articles that were pulled for this meeting, and a couple of points I wanted to share. Short-term rentals should be treated like long-term rentals (hotels, apartments), the percentage of time in a year when a household is used as a primary residence vs. being rented out, one of the cities said you can only have your primary residence rented out (blank) amount of the year and then you had to use it as your primary residence. I would like to put this to the residence to get their feedback, maybe like the survey the city did for the deer culling. This could impact their ability for income and therefore I really want this to go out to the residents for their feedback from them before we make any final decisions.

DeSouza asked to consider clarifying that lodging taxes, should apply. If we're going to have to help police these to some extent, a lodging tax could help offset that cost.

Chairwoman Maruschak began the discussion on the residential safety cameras. You have had a chance to look over the research made available this evening. Thoughts, comments,,,,,

Palmisano said she thought residents would be hesitant to participate because it's for the Cuyahoga County Prosecutor's Office, I like that there is a separate contact for the local community to sign up. I think the residents will be for it, it's a volunteer program. We should be clear to what and who can access the data and once it's stored once it's accessed? County level or the Parma Heights Police Department?


DeSouza added she thinks we should include both.

Chairwoman Maruschak said she loves the idea that it's a volunteer program, so I think we should forward these minutes on to the Safety Director and Administration to review to see if that is something we can implement. I agree that it has to be clear where the information will be retained. Many times, information doesn't not stay at the city level, it does go on to other levels because we don't cover all that within our courts.

Chairwoman Maruschak made a motion to adjourn; seconded by Councilwoman DeSouza

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

Safety Committee meeting of 3/18/2024 is adjourned at 5:47 p.m.


Barbara Allen
Clerk of Council


Lisa Maruschak
Chair, Safety Committee