



Safety Committee Minutes May 15, 2024

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

The meeting was called to order on Wednesday, May 15, 2024 by Chairwoman Maruschak at 5:45 p.m.

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

Chairwoman Maruschak asked for a motion to approve the minutes from March 18, 2024; Moved by DeSouza; Seconded by Palmisano

Clerk Allen, Roll Call: Palmisano, DeSouza and Maruschak

Minutes approved

Chairwoman Maruschak: Opened the discussion with Old Business Chapter 1193 – Yard Structures and Landscape Features. In front of you is the draft legislation that has our updates. You will see some changes that are crossed out and the additions that have been inserted. Law Director Schneider did not find that we needed a definition section.

Palmisano stated that she likes the way he worded this, I really like “including by not limited to”.

DeSouza asked about driveways. As you pull onto the sidewalk you can’t see a thing, we need to address more than just the corner lots. I think removing the word fence and adding this verbiage is all inclusive without being limited.

Chairwoman Maruschak stated that they would have trim up the tree and that is addressed in (i) and I think the language is good the way it is but if we have an address, it should be called in so that it can be enforced. They did the same thing on the non-street side of the property, shall be not further forward. Those are the major changes. The other changes in (f) 1193.03, no yard structure included by not limited to any wall, fence, shrub, hedge, tree or other structure can shall be constructed planted, or maintained in such a manner to obstruct the view of traffic. I asked about driveway. He said that is explicit as well because it’s any kind of traffic.

DeSouza asked so traffic includes one car coming out of the driveway, is that defined? People think of traffic, they think of a street not a driveway in general.

Chairwoman Maruschak added that traffic for the purposes of their enforcement, they know in the Service Department that traffic does not necessarily mean traffic on the street it can also refer to traffic coming down a driveway. As long as the car is moving.

Palmisano added that then they could go back and reference (i) where it says the minimum distance and the ground the lowest branch has to be 8 feet. If they did that trimming there would not be any obstruction of any traffic, because it would be up high enough.

Chairwoman Maruschak added that it’s the 3 feet as well in (i). Which in no event when it talks about driveways shall be permitted to grow above 3 feet in height and more than 15 feet from the intersection of

a driveway with a public sidewalk. If you want to include something more before it goes to the floor, now is our time to do that.

Palmisano added that she is comfortable with it.

DeSouza stated that any challenges would have to go to Director Schneider. Should we put traffic and/or moving vehicles or what their opinion would be and if they think that this is clear enough that they can enforce it, then that's fine.

Palmisano suggested to add onto the sentence as traffic as defined as any moving vehicle. To obstruct the view of traffic as defined as any moving vehicle.

Chairwoman Maruschak stated that she likes the suggestion.

DeSouza stated that if administration doesn't think we need that verbiage, I'm fine with that.

Chairwoman Maruschak continued to discuss violation of legal remedies, there are no changes to that. Director Sepik spoke to us about bushes being different so there isn't a timeline. Director Schneider stated to the Chairwoman that because we can't put in a timeline that what we have here is exactly the timeline that would be followed. Moving on, to the discussion of the AirBNB's. Clerk Allen provided us last time with Parma short-term rentals, and then I asked for Brookpark, Chapter 1122 their short-term rentals. At this time we cannot ban, but we are going to work on the Legislative Action Form together. If we look at Brookpark and see what items we do and don't and why I kind of like what Brookpark has. Councilwoman Palmisano brought up zoning at the last discussion. If we can use our zoning to deter people from doing this, I think that's important there. Brookpark's permit lists it approved for a period of 2 years; I think it should be an annual. A floor plan should be submitted to the Planning Commission, a site plan and any additional information as required by the Planning Commission. Notification of the request of the conditional use permit shall be given to the secretary of the Planning Commission to record all title holders of the property line within 500 ft of the property line or area requesting the conditional use permit.

Palmisano stated that way all the neighbors would be notified.

Chairwoman Maruschak added that she likes that, it gives it a little more ground.

Palmisano added that she felt that its important. If someone buys a home in a residential district, they aren't expecting a business to come in next door so they should be notified of these things.

DeSouza stated that if they have lived there for 20 years and all of a sudden you have a business next door. Can they come up like in BZA or Planning, to come and say they object?

Palmisano added that maybe there should be a public hearing in Planning in order to obtain a permit? That would give the neighbors a recourse to come and voice their concerns.

Chairwoman Maruschak stated that we can ask about that, I foresee that being a lot of public hearings.

Palmisano added that maybe we could do public hearing once a quarter for short term rentals and they would have to wait until the next one. I like the idea that the neighbor should have some way to voice their concern if any.

DeSouza stated that even if it is granted, at least they had a chance to voice their opinion.

Chairwoman Maruschak stated nothing really stood out to me in 1122.01 and 1122.02 so I think those are fine.

Palmisano stated that in .02 it states that said rental does not require financial; I don't know that I agree with that. I think a short-term rental should require some type of financial payment.

Chairwoman Maruschak also noted that it says a short-term rental can be an oral or written agreement.

Palmisano added that you should be able to do an oral lease, you don't have to have a written lease to rent for long-term rentals.

DeSouza added well can't we say that you do have to and that it's in written form so that it can be on file.

Palmisano added that if someone is renting their home via AirBNB and they are having someone new stay every few days, that would be a lot of paperwork, yes there would a record of that in their online portal but I feel like that may be an undue hardship to require them to turn that in every single time. However, we could say something like they have to make those records available to the city or director if needed.

DeSouza added that for our officers, if they go knock on the door, they should be able to know who is in that house.

Chairwoman Maruschak stated that in Parma's legislation they have a section 1729.03 application for short-term rental permit, new and renewal which goes over all the information that should be included with a short-term rental. I feel like we should pull some items from Parma and some from Brookpark, because....

Palmisano stated that she is definitely against requiring the homeowner to provide that specific information every single time they have a short-term rental. I think they should make them available if requested, maybe within a time limit.

DeSouza would like to ask Chief Czack her opinion about that. I'm looking at it from one point of view but she would know better.

Chairwoman Maruschak made the decision to table the discussion, and come back to this after we meet with the directors.

Both committee members, DeSouza and Palmisano agreed.

Chairwoman Maruschak continued through the other sections of the AirBNB legislation from surrounding cities. Input on each section from all members was discussed. Some of the questions they have are the annual costs (permits, public hearings), occupation of premises by order, time we feel the owner needs to live there and ownership to the property, inspections. Define legal owner and permanent resident. I do want to touch on the new business at hand which is Ice Cream vendors. We used to have it on the books, it was repealed, I've heard it was repealed for safety reasons and this was back in the 70's. It would be nice to have them back in the city. At the next meeting I would like to discuss this further and what we would be proposing and get their input before we go any further. You have some samplings of what some other surrounding cities are doing before you to review before the next meeting. My first question is, are you in favor of bringing them back?

Palmisano and DeSouza is torn between bringing this back to the city both for their own reasons. Palmisano remembers growing up with Ice Cream trucks, I am pro adding additional businesses to the city, but we

have two prominent ice cream locations already that are very much a part of the neighborhood. Maybe we can limit the hours so it doesn't impact our existing businesses. DeSouza added that they pay taxes on their sales already. Outside trucks are making money and driving home. Are their sales regulated at all?

Chairwoman Maruschak added that they would have to pay the permit fee and then they have to have regulations as far as food safety, handling and posting certifications within the vehicle. We need to determine what amount they would have to pay for an annual licensure.

Palmisano stated that she likes the idea of having two people within the truck and cameras are necessary.

Chairwoman Maruschak asked for a motion to adjourn.

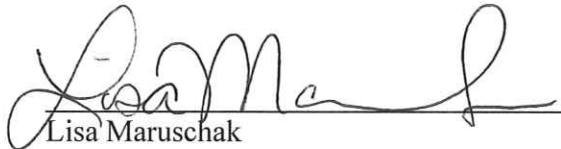
Councilwoman DeSouza made a motion to adjourn; seconded by Councilwoman Palmisano

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

Safety Committee meeting is adjourned at 5:38 p.m.



Barbara Allen
Clerk of Council



Lisa Maruschak
Chair, Safety Committee