

Safety Committee Minutes **June 24, 2024**

PRESENT: Committee Chairwoman Lisa Maruschak, Vice-Chair Stephanie Palmisano and member Lesley DeSouza, Clerk of Council Allen, Law Director Schneider, Service Director Sepik and Recreation Director Bacci.

The meeting was called to order on Monday, June 24, 2024 by Chairwoman Maruschak at 5:32 p.m.

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

Chairwoman Maruschak asked for a motion to approve the minutes from May 15, 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 regarding Airbnb's, first wanted to thank the directors for being here this evening and their willingness to provide us with some guidance as we move forward with regulating short-term rentals. As we look over some neighboring cities, specifically Brook Park and Parma. The committee and I like more of what is spelled out in Brook Parks, but the city of Parma had some great information listed as well. Director Schneider if you have those in front of you, I'd like to ask if you think we need a definition section or more of a purpose and intent section?

Director Schneider responded that each section seems to serve specific purposes. It really depends on council's preference. Is the purpose to regulate these items?

Chairwoman Maruschak responded yes and to put forth legislation to regulate use. My questions as we go on will go into specific details. I just didn't know if a definition section or purpose with intent would be preferred. We can always revisit this later as it is written. One of the things we discussed was that 1122.02 in the legislation written for Brook Park it states that an oral contract can be used, we were opposed to having an oral contract. Is that feasible to have people only use digital or written contracts? Otherwise, we like the wording in this section.

Palmisano added that she believes so. If they are using Airbnb or VRBO, those are all written contracts.

Chairwoman Maruschak continued that we are going to have them register with the city, apply for a permit.

Director Schneider asked if your intent is limited to written contracts? Someone will be able to avoid that regulation by entering into an oral contract.

DeSouza suggested that we use a "contract on record", whether it be oral, digital or written.

Director Sepik added that in section 1122.03 it does clarify that the records need to be held for at minimum 3 years. Even if it is an oral contract there has to be some documentation of what that contract was.

Chairwoman Maruschak continued to 1122.03 we were thinking an annual cost for the permit, if there is going to be an annual inspection. We were thinking around \$250 - \$300 for the inspection costs.

Director Sepik added that the rental units we currently have the permits are \$200 per year, \$150 late fee. Since the Fire Department is involved, I would look at \$300 per year, \$150 late fee and expire December 31st of each year, and must be renewed before January 1st or incur the late fee. This would include the interior inspection, smoke detectors, carbon monoxide detectors etc.

Chairwoman Maruschak discussed the public hearing section, and how the clerk of the planning commission would hold all permit which could have a huge influx in 2025.

DeSouza feels that if the surrounding properties are notified, they can contact city hall if they have a problem.

Director Sepik added that we have four listed as Airbnb's in the City of Parma Heights.

Palmisano added that in essence these are homes that are turning into businesses in a residential area there needs to be a push to make the public aware of what is happening. I like the idea of the letters going out. If a neighbor has a problem, then we can schedule a public hearing. There should be some recourse for the homeowner that purchased in a residential neighborhood to say wait a second, I don't want a business coming in next door. I purchased in a residential neighborhood. There should be a public forum for that.

Director Schneider suggested that you could change the zoning as they did in Brook Parks document to permit short term rentals as a conditional use. Currently our residential zoning does not contemplate short term rentals as a conditional use. First thing that would need to be done, is change the zoning which has its own requirements. Then an application for conditional use, specific notice requirements, mandatory time period before a public hearing, planning consideration, planning would make recommendations to council.

Chairwoman Maruschak asked how much time this would take for someone to obtain a permit.

Director Schneider suggested a Moratorium so that you don't get a rush or people trying to declare their properties short-term rental.

DeSouza stated that she likes Brook Parks better because it includes the homes within 500 feet, so the folks across the street would be included. I think there are several within the city that are flying under the radar with very pleasant looking homes and no craziness happening.

Chairwoman Maruschak stated that we will concentrate on the 6-month Moratorium and getting that on the books first.

Director Sepik stated that the only way we would know is if someone came in a registered or someone called it in.

DeSouza stated that that will give us more time to work more of these things on the ordinance.

Chairwoman Maruschak jumped down to 1122.04, (c) we had a discussion about the occupancy of the premises by owner. We discussed not having the owner occupy the premises but should be at least be the owner of record with no less than 50% interest in the property.

Palmisano stated that she doesn't feel the owner needs to live on the property at all. Yes, I like that.

DeSouza agreed.

Chairwoman Maruschak spoke about letter (d) which states no more than 7 consecutive nights. Any thoughts?

Palmisano asked what would a long-term rental be?

Director Sepik stated that a long-term rental is defined by anything longer than 30 days.

Palmisano suggested making this read from 1 – 29 nights and then once you hit 30 nights it becomes a long-term rental.

DeSouza asked what's the difference between a short and long-term rental then?

Palmisano responded that for short-term we are requiring the fire inspections, which we don't do in long-term.

DeSouza mentioned that she would like to hold that thought for another meeting, because inspections for short or long-term rentals should be something that needs to be done no matter how long the rental.

Chairwoman Maruschak moved to item (f) which says no bathrooms shall be located in the basement. Why would that even be in there, we found that strange. We would remove that item. On the requirements, owner must maintain current guest registration records, kept on file for three years and are available upon request. In item (i) guest rooms, a guest room shall contain no less than 100 sq feet of living space. In item (j) parking, looks fine with the off-street parking (meaning parking available in the driveway or contained in the garage), just not parking behind the garage. Signage could be available in front of the home or posted in a front window but visible from the sidewalk, maybe having the permit posted, not a 3 x 3 illuminated sign. Item (m) security, we agreed wholeheartedly, outdoor security cameras must be provided. Bed tax?

Palmisano added that we are charging a \$300 rental permit, do we need a bed tax on top of that? Do we have a bed tax here in the city currently?

DeSouza stated that we don't. It says it would be comparable to hotels and we don't have any. Brook Park has hotels so they can implement that tax, but we do not have hotels.

Director Schneider added that he's unfamiliar with cities authority to issue its own bed tax. I would have to look into that further.

Chairwoman Maruschak continued with allowable number of occupants, max 6 guests including minor children shall be permitted at any one time. Some homes could be much larger.

Palmisano added that she feels it should be measured by the number of beds in the home.

DeSouza agreed, some homes are smaller and some are much bigger. You can't have a once size fits all with that, square footage, number of bedrooms, beds, something.

Chairwoman Maruschak thought we could look at other legislation on that to compare how to define that better. I believe 6 might be too low for some homes. Item (q) location, no rental should be within 500 ft of a school or recreational facility. We would like to keep that in. Section 122.05 (f) a valid certificate of registration includes food handling and sanitation from the Department of Health, I'm not sure why that would be included.

Palmisano suggested that perhaps this section is there for bed and breakfast type locations. If the owner is cooking breakfast or meals for the renter. That's not what we are looking at right now, I think a separate legislation would be made for bed and breakfast type short-term facilities. I think we can remove that section from short term.

DeSouza suggested holding that thought and maybe looking back into bed and breakfast type rentals at a later time.

Chairwoman Maruschak asked if there were any questions before moving forward? Okay, so we will review these with Director Scharschmidt and do some more research on getting the Moratorium going. Moving on to our second item for discussion tonight, Ice Cream vendors chapter 743 was repealed. We are in favor of bringing back Ice Cream trucks but specifically on side-streets, no main road and not within our parks.

DeSouza asked why not in parks like during a baseball game?

Chairwoman Maruschak stated that that would be like a food truck and would need to be run through the Recreation Department. We're concentrating on specifically being mobile on our side streets. We discussed having two people in the vehicle, one driver/one spotter, cameras should be on the vehicles.

Palmisano added I think having one camera on the outside and one on the inside of the truck would be good.

Chairwoman Maruschak added that we need to think about what times, months that sales could be done? I realize we need to speak to the Safety Director about this, but what are your thoughts on this.

DeSouza stated that she could see them coming down the streets between 11 am and 3 pm they could have a lot of business, if they came from 5 pm to 7 pm they could get more business from people coming home from work. I would say a cut off time in the evening.

Chairwoman Maruschak stated that maybe beginning at 11 am to 7 or 8 pm

Palmisano stated that she has no preference, but would agree to what they decide on.

Chairwoman Maruschak added that she'd like to reach out to Safety Director and get their opinion on that.

Director Sepik added that his personal opinion would be to end between 7 or 8 pm because sometimes kids go to bed earlier because of the noise level on the truck, maybe it could be lowered. Make them get a Board of Health Certificate.

Chairwoman Maruschak asked about the fee, how much is a business license?

Director Sepik stated that a business license is \$100.00.

Director Bacci added that for a food truck the Board of Health Certificate would be required with permit, insurance (\$3 million), that not only has to be displayed but has to be on record with us to. I can send that to you as a guideline.

Chairwoman Maruschak asked about background checks?

Director Bacci stated typically we are with them during events so we don't require that, we haven't had a food truck be within the city without us.

Chairwoman Maruschak asked Director Schneider if that is something we could enforce, providing a background check?

Director Schneider said he would be speculating. I would check with surrounding communities that might be getting it right for the regulations of ice cream trucks that we could reach out to that community.

DeSouza agreed and if we go with a city that has already had this in place, they've already done their research and we wouldn't have to re-invent the wheel, let's learn from them.

Chairwoman Maruschak said she would make a note to view specifically background checks. Other city ordinances that we looked at, I don't remember if it's listed or not. We looked at N. Olmsted, Parma, and Shaker Heights.

Director Schneider added that I will take a look at those requirements but I know we do routinely provide background checks, issue photo identifications and require registration for anybody who's going door-to-door. This is someone driving through the community approaching our children, streetside. I'm not sure where you draw the line, that's why it would be helpful to look at these other communities.

Chairwoman Maruschak and DeSouza though that was very good information and thanked the Director for his input. Chairwoman Maruschak asked if anyone else had anything further to discuss at this time?

DeSouza mentioned that with these questions getting answered moving forward we may have more questions, so this I believe is a good start.


Palmisano agreed and said she would be reviewing the door-to-door information and that should answer some of her questions and that should open more questions for the next meeting.

Chairwoman Maruschak stated that she felt they had some more homework to do. Asked if anyone had any new business to discuss? Seeing none. 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, Maruschak, Palmisano

Safety Committee meeting is adjourned at 6:32 p.m.



Barbara Allen
Clerk of Council



Lisa Maruschak
Chair, Safety Committee