

Utilities and Streets Committee Minutes May 14, 2024

PRESENT: Committee Chair Sue Durichko, Committee Vice-Chair Chris Kolezynski, Committee member Stephanie Palmisano and Council Clerk Allen.

The meeting was called to order on Tuesday, May 14, 2024 by Chairwoman Durichko at 5:30 p.m.

Clerk Allen called the Roll call: Kolezynski, Palmisano and Durichko

Chairwoman Durichko began the discussion with Chapter 678: Weeds. I would like to open it up as an informal discussion.

Kolezynski began stating that I just had one thought. I know it lists some of the noxious weeds, if we can make a reference to the Ohio Administrative Code, Chapter 901:5-37-01 and that lists all the prohibited noxious weeds in the state and it's going to be updated in September. Potentially we could have a more inclusive listing.

Palmisano responded that she agreed because she was hoping to update that list. I wanted to make it clear for the record that although the Safety Committee meeting did reference chapter 678 in regards to the height of specific items in another chapter, the Safety Committee did not cover this chapter. In (a) (1)(d) there are dates May 1st to November 1st, I understand the desire of the Service Department to change the dates, I was thinking April 15th and maybe end it earlier to October 15th. I was thinking that maybe we should change it to the average temperature instead of looking strictly at dates. I think that controls the growth of the grass and the weeds.

Chairwoman Durichko stated that she can appreciate that however the logistics of it would get very complicated for the Service Director and his team. My thoughts are similar, I would like us to consider opening it to April 1st and to extend it to December 1st. I sometimes cut my grass end of March and even into November because of these unusually warm seasons that we've been having. They don't have to utilize it if its not needed but it's there if they need it.

Chairwoman Durichko added that in adding to Councilman Kolezynski list of noxious weeds in the Ohio Administrative Code, I also have a concern about the chemical list for noxious weeds destruction. It seems to reference an approved list at least to source where that list can be found or even if it's calling the Service Department or the Director of Public Service office, so the residents can find that information if they are looking at the ordinance.

Kolezynski added that as new chemicals are found to be more destructive to the environment maybe that list is going to change to account for that.

Chairwoman Durichko added that maybe adding something like "list to be located with the Director of Public Service."

Kolezynski responded that he agreed.

Palmisano continued that in 678.01 that referenced the owner, occupant, lessee, agent, tenant or person in charge of any lot or parcel. I wanted to bring up your thought to just to owner? I think it is the owner who should be ultimately responsible and then if the owner has an agreement with the occupant, lessee, agent, the tenant or person in charge that the owner should be addressing that with those people. But our agreement as the city, I think is with the property owner.

Chairwoman Durichko asked if she thought that might interfere with the legally binding contract of the lease agreements in those terms?

Palmisano stated that she felt that that agreement is between the owner and the lessee. It's not between the lessee and the city. I think the city should be holding the property owner responsible, if not couldn't the property owner say in court it's not my problem, it's the lessee's problem. I think we should remove everybody but owner.

Kolezynski added that if we did do that, they would probably highlight a contract with the lessee to maintain the property then. If they were going to do that in court.

Palmisano responded that yes, they would but then wouldn't that leave us sort of in limbo of who to actually cite or ticket? I think the city should focus on the owner and then if the owner has an agreement with anyone else, let the owner deal with that.

Chairwoman Durichko added some thoughts I'd like to add to that. Typically, if you're talking about a rental space or property and it's not a living situation, in this city they are typically out of state owners that are hard to get a hold of. The blight could sit for extended periods of time while that process takes place rather than having the teeth that this might give us going to the renter.

Kolezynski added one other thing, if we do just punish the owner, we could be limiting the owners right to contract with other parties to pass off that liability. We don't necessarily want to do that. That would deal with the contractual rights of a person and their freedom to engage in a contract and terms of a contract with another individual. We may not want to encroach on that freedom.

Palmisano added that she appreciated that feedback because she didn't think of it in that way. Maybe ask legal what their thought on that is?

Chairwoman Durichko asked if this is something we would want to explore.

Kolezynski asked if we could get a memorandum from legal what their legal opinion is on that.

Palmisano moving on that if it was changed to just owner, to increase the time frame to 7 days vs the 72 hours that it is now. In (b) (1) it mentions wagons as a part of litter. I thought maybe we could remove that now. In another section where if the city has to go out, it refers to the \$10.00 fee, I was thinking we should probably raise that to \$25 for administrative fee. The last section (d) who ever violates any of the provisions in this section is guilty of a misdemeanor of the second degree. I would like clarification on what violates means, is that the first time you get a notice? Or if you fail to act on the notice. I think that is missing and we should get that from the legal department.

Chairwoman Durichko added that she did get time frames. Once they get a notice that they violated any of these provisions in the noxious weeds portion, they have 5 days to destroy them. Same with (b)(2), is 72 hours a fair timeframe after notice to remove litter as defined. Are we happy with 72 hours for removal of blight? This could encompass other things but it could include things such as grass.

Palmisano suggested changing the 5 days to 7 days but the 72 hours to clean up litter, those are things you just have to physically pick up, I feel that 72 hours is enough for that.

Chairwoman Durichko voiced her bias where in her experience of being a young mother maybe wouldn't be able to take care of it within 72 hours maybe things had to wait until the weekend and become part of a project and then on the other spectrum, what if you're 93 years old and have the means to hire someone or have a family member come to help take care of it, but can't get someone there for several days. Maybe opening it up a little so that they can make arrangements or to hands on achieve the task themselves. Or we can leave it.

Kolezynski said maybe changing it to 7 – 14 days would make more sense especially if it's an older person that has to call a family member to come do it or hire someone.

Chairwoman Durichko and then on the other side of that is 7 – 14 days too long to let things sit in the blight sense or creating a safety risk to the neighbors. I'm thinking 7 days.

Kolezynski added you could do 7 business days, that would include the weekend.

Palmisano agreed with the 7 business days for the noxious weeds, but I feel 7 business days to pick up litter is too long but I don't want to be insensitive to residents who may need the time. I'm open to what you guys' think is best.

Chairwoman Durichko was offering 3 or 5, I don't know that anyone was suggesting 7 for that?

Palmisano said if it was up to her, she would leave it the 72 hours. Maybe we could get feedback from Director Sepik on how often residents take longer than 72 hours to clean up litter?

Kolezynski responded that if we want to change the timeframe for removal of the weeds and not the litter issue, I would suggest adding it to read non-noxious weeds just cut down on the confusion.

Chairwoman Durichko moved on to Chapter 703.01 Advertising on public property prohibited. Any thoughts from my colleagues?

Kolezynski asked if political signage covered under commercial or private? Cleveland has their own city ordinance specifically dealing with political signage. A political sign could be considered commercial.

Chairwoman Durichko added that if this is something we need clarification on we could ask legal, but my assumption is that it includes that. I know when I campaigned for City Council, you could not put them on tree lawns. My assumption tied to that experience is that that's included but we can get clarification if you want?

Palmisano asked about the advertising device, would that include the digital sign that is in front of City Hall? There are things that go on that digital display that are promoting things such as the garden club flower sale. Wouldn't that be considered an advertisement on a tree-lawn or public way?

Chairwoman Durichko responded that for me I would have to look into city affiliated groups fall under and would they fall under commercial or private or are they government? Even though it's the Garden Club or Cassidy Theatre, if it's city facilitated, city sponsored or city run would it fall under government?

Palmisano asked for that to be clarified. I've seen in other cities ordinances about this topic, made me think would we want to create a designated area in the city where people could place their signs or advertisements for a fee and there is one city that allowed that by getting written permission by the mayor. I wanted to talk about adding telephone or utility poles to the definition of public way. Advertisements or signs could not be put up on telephone or utility poles.

Chairwoman Durichko asked have you seen them not on a tree-lawn or not on public property?

Palmisano responded that she has not, but she hasn't been looking for that. I noticed in some other cities ordinances specifically telephone and utility poles were listed and I feel that we should also list because I do often see signs on telephone and utility poles in Parma Heights.

Chairwoman Durichko added that it could be an enforcement issue. Public way means any street, tree-lawn, sidewalk, or property either wholly or in part owned by Federal, State, County or local governments. I don't know that private properties have them.

Palmisano added that she didn't think so either, but I don't think it would hurt to add telephone and utility pole to the public way definition. That's all I had for this section.

Kolezynski suggested that we define advertising devices in the definition section in the city ordinances. I would keep in mind if we do define advertising device to take into account how it's being used here, you want to make sure it doesn't impact use elsewhere in the city ordinances. You might want to also do a definition section in the chapter about advertising on public property that why you limit the use of the definition to just that section 703.01.

Chairwoman Durichko opened the floor to anything else that may fall under the Utilities and Streets umbrella for future topic of agenda to add to the questions that we ascertained today to build on that, and the are you interested in doing a pre-summer or post-summer session follow up meeting?

Palmisano stated that she found surrounding cities that had utilities and streets committee's and they had a utility company and services that are provided, operations, legislation and policies that impact utilities and access and use and communicating those things to residents. Street committees were described as a committee that shall exam, consider and recommend any changes, additions or deletions to the master street plan. Working with administration, engineer with recommendations on re-paving streets. At this point I'm not sure what topics to bring up because I need clarification on what this committee is responsible for.

Chairwoman Durichko responded that this evening's discussion was per the assignment we received in the beginning of this 2024 from Council President. In keeping with his request that we review these two ordinances, that's what we're doing. Your research with neighboring communities is consistent with what our description was, streets, sewers, electrical utility poles and their lights. Once we review the description of this committee together, perhaps we can, with the assistance of our Council Clerk, set the next agenda to either include the things we want to look at solely or do we want to look at new orders of business. Is there anything else to be added this evening? We can meet in June if you like.

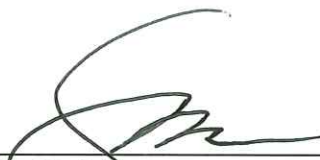
Palmisano suggested to meet before summer break.

Chairwoman Durichko said she would be fine with meeting before the summer break but let's clarify what the agenda is. Chairwoman Durichko called the meeting to adjourn.

Council Clerk: Roll Call: Aye: Palmisano, Kolezynski, Durichko

Recreation Committee meeting is adjourned at 6:25 p.m.


Barbara Allen
Clerk of Council


Sue Durichko
Chair, Utilities and Streets Committee