

**CITY OF MAYFIELD HEIGHTS  
BUILDING COMMITTEE MEETING MINUTES  
May 1, 2018**

Committee Chairman Diane Snider called the meeting to order at 5:00p.m. Also present were Committee member Susan Sabetta, Council President Donna Finney, Council Members Susan Sabetta, Don Manno, Robert DeJohn, Law Director Paul Murphy, Director of Building Tom Jamieson and Assistant Finance Clerk Angela Ianiro-Griesmer.

The purpose of the meeting was to review:

1. Ordinance 2017-10 regarding temporary containers
2. Regulations for bed and breakfast establishments
3. Procedures pertaining to bed bugs issues

Mrs. Snider opened the meeting with reference to Ordinance 2017-10 asking where the committee should proceed since the last meeting held on March 20, 2017 at which time the proposed legislation was being reviewed by Mr. Murphy. Mr. Jamieson then read his email sent to the Mayor on March 21, 2017 (see attached) in regards to portable storage units. He noted that he only received questions from Mr. DeJohn today. Mr. Jamieson said questions one and two to him concern shipping containers at Gates Mills Towers but utilized by Manor Care. He said Manor Care is the only place he knows of where equipment is stored in containers. Mr. Jamieson said the Building Department has been working with Manor Care to obtain a storage unit, but the establishment has cost restraints. Mr. Jamieson in response to question one clarified that 1355 is the correct chapter, and 1335 defines the permit fee that corresponds with the legislation. He continued to explain that he does not think the intent was meant for high-rise apartments back in 1990 but was for Commercial establishments. Mr. Jamieson said Chapter 1399.14 pertains to business units on Mayfield and SOM Center Roads. Mrs. Snider noted that Luther House and Schnurmann House have enclosures. Mr. DeJohn said what prompted the discussion at the Gates Mills Club meeting is that Manor Care utilize the enclosures at Gates Mills Towers. Mr. Manno asked if it would be better to create definitions for "waste" and "storage" containers, and have establishments such as Manor Care build out-storage. He asked Mr. Murphy if grandfathering is still a viable argument since the City should be able to make improvements due to things that change over time. Mr. Jamieson said there is existing legislation that was already approved, and upgrades would only apply to new businesses that put in new dumpsters. Mr. Manno does not agree. Mr. Murphy explained grandfathering applies if legislation is in compliance with the City ordinance at the time of construction, and the City later changes the legislation. He said if the argument is made for the health, welfare and safety of residents then it can be retroactive, but nine out of ten will not be retroactive. Mrs. Snider said and Mrs. Finney agreed that as new establishments are constructed council committees do pay close attention to the location of containers. Mrs. Snider said if the ordinance needs to be stricter it should be done when the business plans are presented at the Planning Commission or Board of Zoning Appeals meetings and then Council.

Mrs. Sabetta suggested the time to make changes is perhaps when a business is sold. Mr. Jamieson explained that there is not a Point of Sale (POS) for commercial establishments because the fire department and building department are consistently in and out of these buildings. Mrs. Sabetta asked if storage containers, such as PODs, are used at apartment complexes. Mr. DeJohn said they are used in the City for long periods of time, and without legislation this is what happens. Mr. Jamieson noted that portable storage units should be removed after one month. He said there have only been two incidents in the twelve years he has been with the City that these have been an issue. One of the residents was threatened that she would need to appear in court because the container became an unlawful permanent fixture. Mr. Jamieson said even with an ordinance these residents did not have the capabilities to move the portable units. Mrs. Sabetta asked what ordinance was used and Mr. Jamieson said the Front Yard Set-back. Mrs. Snider said the portable units, or residential storage should be added to the new legislation with definitions. Mr. DeJohn suggested registering such containers with the Building Department so they are aware of when the use begins and ends. Mrs. Sabetta asked how it would be registered, and Mr. DeJohn said a permit should be issued by the Building Department. Mrs. Snider disagrees with charging the fee to residents when they are already paying the fee for or the portable storage units. Mr. DeJohn said the portable storage unit company can pull the permit. Mrs. Sabetta said there may be circumstances where neighbors get concerned, and Mr. Jamieson agreed. Mr. Jamieson said that cost of the permit would be passed on to the resident. Mr. Manno commented that it is not the concern of Council to worry about who pays for the permit, but the concern is to manage the city. Mr. Manno asked what the problem is in creating legislation defining the use of containers such as portable storage units and dumpsters, and the length of time they can exist. Mrs. Snider asked Mr. Murphy what he thinks, and Mr. Murphy said ordinance 2017-10 covers the portable units and dumpsters. Mrs. Finney said the ordinance is fine "as is", which includes the \$25 resident permit fee for portable home storage units and Section 1375.03 states that the use of temporary portable storage containers are prohibited in a commercial zone. The exceptions are also

listed. Mrs. Sabetta explained the legislation that they should be looking at is the ordinance Mr. DeJohn asked Mr. Murphy to draft. Mrs. Snider and Mrs. Sabetta asked Mr. DeJohn if he knows why the legislation was tabled, and Mr. DeJohn said he does not specifically know. Mrs. Snider referred to the minutes of the Building Committee Meeting dated March 20, 2017. She said full discussion of the ordinance took place during this meeting. Mrs. Sabetta said the questions seemed to be fee related, and asked if penalties should also be included. Mr. DeJohn reiterated that he would like containers, such as portable storage units, be registered. Mr. Jamieson clarified that Mr. DeJohn means a building permit. Mrs. Sabetta asked if portable storage units are the same as "containers". Mr. Murphy said the legislation includes the definitions of all temporary containers. Mr. DeJohn asked if his information given to Mr. Murphy included Lyndhurst's legislation. Mr. Murphy said not that he recalls. Mr. DeJohn said that other cities obviously see the container issue as a problem. Mrs. Finney said that Mrs. Teresi stated, at a prior meeting, the second fee of \$15.00 should be eliminated, and Mrs. Finney and Mrs. Snider agreed. Mrs. Sabetta reiterated that there is a permit fee to put a dumpster on the property, but what happens if it is there beyond the time limit. Mrs. Snider asked what Lyndhurst's fee is for portable storage units and Mr. Murphy said \$5.00. Mrs. Sabetta said the permit fee is not the problem, but the late fees are. Mr. DeJohn, Mrs. Finney and Mrs. Snider agree with the fee of \$5.00. Mr. Jamieson said to add this as a building permit. Mrs. Finney suggested lowering the fees for businesses. Mrs. Sabetta said this belongs in Chapter 1375.03 of the codified ordinances. Mr. Jamieson asked if Mrs. Sabetta is speaking of temporary containers on business properties. Mrs. Sabetta said yes and referred to Section 1375.03.

Mrs. Finney departed the meeting at 6 p.m.

Mr. DeJohn said construction dumpsters should not be added. Mrs. Sabetta said definitions are covered in the ordinance under Section 1375.01. Mrs. Snider asked if temporary containers include dumpsters and portable storage units and Mrs. Sabetta said yes. Mr. DeJohn suggested separating the types of containers, reducing the permit fees, and leave the \$250.00 fine. Mrs. Snider asked about commercial zones. Mr. Jamieson said there should be no time extension, but rather a time frame to adhere to in commercial zones. Mrs. Sabetta commented that "may be granted" is included in the new legislation. Mrs. Snider noted that it should be at the Building Department's discretion as to hardships, for example an act of God, where the resident needs a portable storage unit or dumpster. Mrs. Sabetta pointed out that dumpsters are included in the definitions. Mr. DeJohn said he likes Lyndhurst's ordinance because it is clearer. Mr. Murphy suggested removing Ordinance 2017-10 from the table, defeat it and draw up new legislation using Lyndhurst's ordinance as an example. Mrs. Snider asked Mr. DeJohn if he wants another committee meeting when the legislation is drawn up, and he said no.

Mrs. Snider, seconded by Mrs. Sabetta, moved to remove Ordinance 2017-10 off the table, defeat it and Mr. Murphy will create new legislation to present to Council.

Mrs. Snider said next on the agenda is regulations for bed and breakfast (B&B) establishments. She said the City has a moratorium on such establishments, and she asked Mr. Murphy how many cases Lyndhurst had to legally pursue. He said it only took a phone call to say it was not legal. Mr. Jamieson said Lyndhurst's ordinance basically prohibits B&Bs and Mayfield Heights should also prohibit them. Mr. Manno agreed that given all the problems other cities have had, the size of the lots are not suitable and there cannot be business entities in a residential zone. He said the only option should be long term rentals. Mr. Jamieson said he does not believe there are B&Bs, only rentals. Mr. Manno said the only option should be long term rentals. Mrs. Sabetta clarified that renting is actually the subject, not B&Bs. Mr. DeJohn asked Mr. Murphy if it is his opinion to restrict, not outlaw them. Mr. Murphy said yes. Mrs. Sabetta reiterated that the City is actually talking about rental property. Mr. Murphy noted companies such as Airbnb are long and short term rentals. Mr. DeJohn asked what is being said, and Mr. Jamieson said do not permit B&Bs. Mr. Manno said short term rentals need to be addressed. Mr. Jamieson said the City cannot regulate short-term rentals. Mrs. Snider commented that sub-leasing frequently occurs in apartments. Mr. Jamieson said the City's apartment rental license is in place and works well.

Mrs. Sabetta asked if there is an area in the City where B&Bs fit in. Mr. Jamieson said no one would establish a B&B in the City using Lyndhurst's legislation because it is so prohibitive. Mrs. Snider explained that when this subject was first brought up it was regarding one, two or three day rentals. Mr. Jamieson said Section 1341 of the City's Codified Ordinances regulates short-term rentals. Mr. Manno suggested to Mr. Murphy that Council should extend the moratorium on B&Bs another six months. Mr. Murphy said that would bring it to the council meeting of November 12, 2018. Mr. DeJohn asked why not just adopt legislation such as Lyndhurst's. Mr. Jamieson said the City would open themselves up to lawsuits. Mrs. Snider recommends, seconded by Mrs. Sabetta to extend the moratorium another six months and revisit in November of 2018. Mrs. Snider stated that we as a Council/City should be more for the next six months to

see if more Airbnb listings pop up on Social Media or advertising sites. Mrs. Snider asked that Council be more aware of complaints. Mrs. Sabetta referred to the newspaper articles regarding warnings to landlords on all types of renting (see attached). Mrs. Snider said to make landlords more aware of the risks associated with renting; she will speak with Tammy Clines and Renee Augustine to have the articles published in the next City Focus. She said perhaps a special feature could include Council answering questions pertaining to this subject.

Mrs. Snider said last on the agenda was procedures pertaining to bed bug issues. Mr. Jamieson said Hamilton House was recently affected. He said the County's Health Department, specifically Mr. Fink, makes sure management knows how to handle the occurrence(s). Mr. DeJohn asked about the problem at Villa Serena. Mr. Jamieson said he has not heard anything, but he will be happy to call the health department if the information is passed on to him. Mrs. Sabetta said to leave it in the hands of the County Health Department and Mrs. Snider said if council members get the calls they should refer the caller to the County's Health Department or to the City's Building Department who will contact the health department. Mr. DeJohn asked if Mrs. Finney, who originally brought this bed bug issue to the committee, gave her opinion before leaving. Mrs. Finney did not mention this before leaving. Mr. Jamieson said the resident who contacted Mrs. Finney had unrelated problems. Mrs. Sabetta said Mrs. Finney was not at the November 1, 2017 meeting where Mr. Jamieson presented the letter. Mrs. Snider asked Mr. Jamieson to ask Mr. Fink his opinion of Lakewood's draft ordinance. Mr. Jamieson said he will ask Mr. Fink what his opinion is of Lakewood's draft ordinance. Mrs. Sabetta said there is reference of a Lakewood draft ordinance and Mayfield Heights which only apply to businesses. Mrs. Snider asked what Section 1399.13 is and Mr. Murphy said it is Basic Standards for Business. All were in agreement that the County Health Department should handle the bed bug issues and Mr. Jamieson would contact Mr. Fink.

Mrs. Snider added that she was having issues with the fluorescent line lighting around windows of businesses, specifically Boost Mobile, and it was taken care of by the Building Department. She asked that anyone who sees such lighting notify the Building Department since the City's sign code restricts usage of line lighting. Mr. DeJohn questioned where there is not an issue with the way Sonic is lit up. Mr. Jamieson reminded Mr. DeJohn that Sonic's lighting plan passed. Mr. DeJohn said perhaps there should be legislation, and Mr. Jamieson said there already is. Mrs. Snider complimented Mr. Jamieson on the steps the Building Department took to rectify the line lighting inside of business windows.

Mrs. Snider adjourned the meeting at 6:55 P.M.

Respectfully submitted,

Angela C. Ianiro-Griesmer  
Assistant Finance Clerk

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