

ORDINANCE COMMITTEE MEETING  
TUESDAY  
MAY 14, 2019

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:04 p.m. Members of the Committee in attendance were Co-Chair Mr. Overstreet and Mr. Spotton. Present from Council were Mr. Hoefle, Mr. Evers, Mr. Zuren, and Council President Mr. Meyers.

Present from the Administration were Mayor Morley, Fire Chief Whittington, and Law Director Klammer.

PROPOSED

There was nothing under Proposed.

There were no questions or comments.

PENDING

1. To discuss the deer hunting ordinance.

Mr. Kasunick: The Law Director submitted a draft of an ordinance. Did everybody receive the draft of the ordinance? At this time I will open it up for discussion. I did submit a couple of concerns one being draft ordinance prohibited Sunday hunting and I didn't feel that was a necessary provision. Also I just wanted some assurance that I think residents would be more comfortable if they could be assured that it's not going to be near a main road or housing development, or something like that. If there is anything that we could put in there to assure that I think people would be more comfortable with it. Apart from that I will open it up for discussion. Are there any comments on the draft ordinance?

Mr. Klammer: If you remember from my email I tried to use Mentor, because everybody seemed to reference Mentor. So I really just used Mentor and tried to shorten it as much as I could and the red is the stuff that I added in. I tweaked some of the language so it made sense but the substantive stuff is the stuff in red. Just so you know where it came from.

Mr. Kasunick: Mr. Evers?

Mr. Evers: This really needs a lot open for discussion. I appreciate you really trying...into it. It really raises some red flags for me and part of it is the parcels. You don't specify acreage and we need to. The way that it's written right now I could have four of my neighbor's get together...it's perfectly legal in the city to hunt, but is it enough of a safe area? That's my question.

Mr. Klammer: The only thing that I would ask from all of you guys is that I'm trying to remember the conversation. I remember that it went from having acreage in it to getting rid of the acreage in it, so the Mentor one didn't it, it just referenced enough acreage that we determine appropriate. So as long as you guys can get some type of consensus one way or the other on what you want I'll put it back in. We had a draft initially that had acreage in it.

Mr. Kasunick: Mayor Morley?

Mayor Morley: Again I don't think that part has to be in it. I believe between the Chief and whatever representative he has he'll make the decision; whether it's twelve of your resident's or not. I'll use my neighborhood if five of my neighbor's in a row want to do it I wouldn't expect it would be okay to hunt, because of the proximity. I think that's what the Chief and/or his designee will tell us. And the same thing with if we brought Mr. Westerfield in again I think that is what he said "The best thing to do is look at it case-by-case." I know they are not going to say Beachpark or where ever is all of a sudden going to be a hunting ground. I just don't believe that. I guess if we go back to that we mind as well just go backwards and get rid of it and I've said this all along, if we are going to continue to just have meetings and we're not going to get anywhere...and you guys feel that strong or enough of you feel that strong that we shouldn't do this. All I need from you is to tell me that, so when resident's call me I can say it's a dead issue and put it away. We can continue to have these meetings and I've said this for the last year and a half, but it seems that we...and I understand your feeling but again if we're going to just keep doing that we need additions. I think that Mr. Klammer did a good job of getting Mentor's and curtailing it to our needs. But again if the consensus of the committee is or Council that we don't want to do this that's all I need to know. That's just me personally as the Mayor I need to know so we can just say it's a dead issue. Obviously we're going to have opponents for it and against it. We all know that like everything else that you vote on and that's where I'm at on it. I think that the more that we keep mudding the water the more it will be confusing when the Chief or representative goes out and starts measuring and doing different things, so that's just my opinion.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I'm similar to what the Mayor said and when ODNR was here they talked about not putting everything into this. They talked about authorizing it and putting it in more of a rules package. It could be adjusted or on a case-by-case basis; because if you go step-by-step and try and include every scenario in this it's never going to work.

Mr. Evers: I think that if you leave it to vague you're going to have a big problem in the city. And I'm an avid deer hunter. I've hunted bow, rifle...

Mr. Spotton: That just what the ODNR says.

Mr. Evers: I know the ODNR said, but we've ignored a lot of their rules also.

Mr. Kasunick: What if we put a provision in there that said that licenses would have to be approved by Council; similar to like a conditional use permit or a liquor license or something like that. If it had to come through Council then it would have to public notice; which means if somebody had a problem with it they could come in and speak to Council. That might be a possibility. Does anybody have any thoughts on that?

Mr. Meyers: I don't know if it would necessary qualify to make that assessment.

Mr. Kasunick: It's not so much the qualification it's more like the public notice that the license is being considered.

Mr. Evers: That's a possibility.

Mr. Klammer: It could be done I mean we certainly have that process.

Mr. Meyers: Law Director Klammer I have a question also, so in the language with Mentor I know that they allow hunting in some of their...they closed some of their public parks and they have controlled hunts. Is that specified in their language or is that something that they deal with on a case-by-case basis.

Mr. Klammer: I had the impression...in their ordinance let's put it that way they have municipally owned lands that aren't used for park purposes, can be used as part of the parcel that you are choosing. That's what's in their ordinance.

Mr. Meyers: I'm referring to and I think specifically I think that they close Garfield Park don't they or one of the parks?

Mayor Morley: They close Garfield Park and then they send the SWAT team in.

Mr. Klammer: That might be for the SWAT team. At least as far as the ordinances go it's municipally owned parcels not used for park purposes may be added to the privately owned parcels with the approval and I added resolution of the City of Eastlake. That's what their ordinances provide for and I don't know what they do in practice or not. It seems to limit it too parcels not used for park purposes.

Mr. Evers: I think that Mr. Kasunick said it too that maybe we should regulate it to only certain areas of the city. That way there will be no doubt. I know that Reeves Road has some good areas and Erie Road has some good areas. Down by Mr. Overstreet and a little further down those lots are acreage lots and there is plenty of area. I don't know if that would be considered or if not.

Mr. Klammer: Or just make it a minimum of one acre. I know that you can make it a minimum of one acre and still have the Chief have discursion.

Mr. Evers: I would be very much against that it's not enough land and it's not safe.

Mr. Klammer: You guys can procedurally move it forward and take a vote. If you don't get a consensus the only consensus that really matters is the majority. See how everybody gets comfort wise.

Mr. Kasunick: Mr. Evers?

Mr. Evers: Mayor are we going to or have you considered allowing the use of some of the city land?

Mayor Morley: We've talked about it back and forth on some of the areas. I think that we would have to really make sure that it is closed off and posted. I don't know if Mentor...I guess we could get a hold of Mentor...if they close down and they have people at all of the entrances when they are going to do this. I think that they do it at night. They bring all of the deer in and then go in there. It's like everything else in this world people can say that they didn't see it or go in...it is what it is. It's like when people hunt...I'm not a hunter but my family from Pennsylvania hunts and everyone is in the woods at the same time and you don't know who's who. There is really not too many deer deaths that I'm aware of that people are getting shot and killed. I don't think that...again I agree with what Mr. Klammer says. You guys move it on and if it dies it dies...it will finally die if that's what's going to happen.

Mr. Kasunick: Also for the record Mentor's program...when they close off a park they send the SWAT team in there and they are using fire arms I believe. We are just talking about bow and arrow hunting only we're not at this time considering anything like that correct...no fire arms. Mr. Hoefle?

Mr. Hoefle: I've spoken with a few people and you guys know that I did a lot of research with this several years back. I'm still not in favor of it and it has been brought to my attention as well that if this gets passed through by Council without a vote of the people, they will be putting a referendum out on the ballot. So that's what I've been advised, so I am just passing it on that if we do not put something out there. I'm definitely against it. I don't like the way that it's written. I just want to make sure that everybody is aware.

Mr. Kasunick: Mr. Klammer do you know what the deadline is if we were going to get it on the on the November ballot, say what would the deadline be for us to get something together here?

Mr. Klammer: I think that we have to be forty-five...

Mayor Morley: By September...ninety days before the election just like the handing in the petitions and everything. I think that it's August...

Mr. Meyers: August 7<sup>th</sup> or 8<sup>th</sup> somewhere in there.

Mayor Morley: I know that August 8<sup>th</sup> is the special election I think that's the date that you also have to have it in for November.

Mr. Klammer: Is it ninety days before?

Mayor Morley: Yeah I think its ninety. Don't forget that ours is all...Board of Elections.

Mr. Klammer: As we were talking about the Fire Levy I was already telling myself we were cutting it close with the Fire Levy so we will have to figure that out.

Mr. Kasunick: Mr. Evers?

Mr. Evers: ODNR has a program that they will issue a special permit to land owners for damaged property. Maybe we should look at that. I know there's been one issue here in the City of Eastlake.

Mr. Klammer: We still need a little ordinance of some sort, because we those guys who keep getting those permits...they shouldn't be getting permit because our ordinance...

Mr. Spotton: We just have to recognize those permits.

Mr. Evers: Recognize the permit or something. I think that it's worth a shot looking at that. Let ODNR make the decision on the area?

Mr. Spotton: I'm more comfortable letting ODNR make the decisions. I don't know anything about hunting or how far a deer runs or anything like that. We're leaning on them anyway.

Mr. Evers: They do have a program. What's it called...Property Damage?

Member of the audience: If you are asking for ODNR to come out and check a piece of property they are going to come out and say you have to prove to ODNR that they are damaging your property somehow. If ODNR comes and does this they are going to say that you have a tree one tree that's fine here's a permit you can kill seven deer. They'll let you go past the bad limit. If ODNR goes so far as to actually come they are going to want to issue a permit to that person, because they've gone so far as to come out. They are going to want to give some piece of paper away and let you do it.

Mr. Evers: Talk to them again...bring them in.

Mr. Kasunick: Personally I don't think that damaged property is the only issue. I think that it's also population control, so I think I would prefer passing an ordinance. I don't know if we could get what the feel from Council on that.

Mr. Evers: Population control is one thing it's not a safety issue. You can get the facts from the Chief. Less than one percent causes the accidents. ODNR is going to come in and they are going to look at the property and then make a recommendation to us or the Chief.

Mr. Spotton: When we discussed this last time Mr. Rubertino said that the quantity of deer circuses that he picks up is escalating from when he started. So maybe those reports aren't taken at the Police Department, but he's seeing an escalation.

Mr. Evers: To claim it on your insurance you have to have a police report.

Mr. Kasunick: Sometimes people might not report to...they might report to...

Mayor Morley: It's not from accidents usually they are just dead and we go pick them up and there is no report.

Mr. Evers: But that doesn't necessarily mean they were hit by a car either.

Mr. Kasunick: Mr. Zuren?

Mr. Zuren: I suggest that we just put this on the ballot the way that it is. Put it on the November ballot and let the people decide. We've been working on this a year and a half and we don't have a consensus. Let the voters decide.

Mr. Kasunick: I'm for letting the voters decide no matter what we ultimately put together. With that does anyone else have any comments at this time? Mr. Zuren?

Mr. Zuren: I just wanted to bring this to the Ordinance Committee Meeting...I had a resident that emailed me and this would be an ordinance issue. They made a request to at least talk to Council regarding exterior home improvements companies working on Sunday. They suggested that it be limited if they are a home improvement company not to start before nine o'clock and to not work after six o'clock on Sunday's. They did put a little comment in there that residents have no problem if they are cutting grass or doing improvements at any time on any day, but home improvement companies they though it should be limited on Sunday only. I think Mr. Hoefle also received the same email, maybe last year, but I do believe he received it.

Mr. Kasunick: Mr. Evers?

Mr. Evers: Can we finish up the deer thing first.

Mr. Kasunick: I think he is talking about it; he's talking about the Sunday provision. Is that...

Mr. Meyers: No it's a separate issue. Completely separate issue.

Mr. Kasunick: If there are no further comments on the deer issue I think the way to do it is to pull Council and see what everyone's feelings are. If you like the draft ordinance as it's written and if would move it forward with any changes just state which changes you would want to see?

Mr. Hoelfe: I'm not in favor of it regardless of how it's written and if we do push something through I recommend that it does go to the vote of the people.

Mr. Evers: I'm in favor of bringing in ODNR and talking to them first.

Mr. Overstreet: I am in favor of the way it's written.

Mr. Zuren: I'm in favor of the way it's written except for number 11 I think that should be removed and I do think that it needs to be a vote of the people.

Mr. Kasunick: What was number 11?

Mr. Spotton: Hunting not permitted on Sunday's.

Mr. Kasunick: Okay and Mr. Meyers?

Mr. Meyers: I'm fine with the removal of the Sunday provision. I don't think you should limit...here in Ohio do they allow hunting on Sunday's?

Member of the audience: Indeed they do.

Mr. Meyers: I thought so. Most states do correct?

Member of the audience: Yes sir.

Mr. Meyers: I think that's probably...

Mr. Kasunick: And as I recall that was something that was originally in Mentor's ordinance and I think that they either took it out or at least they considered taking it out I'm not sure. Mr. Spotton?

Member of the audience: Each year they survey the hunters and each year it's going back to Council as...when it was first offered it was part of the negotiation amongst their City Council. But now it's hurting the program, because the program is so successful and most people work Monday thru Friday...most hunters they hunt on Saturday. So it's hurting their success.

Mr. Kasunick: That was my concern with it as well. Mr. Spotton?

Mr. Spotton: I'm concerned that...the Police Chief's not here and if this was going to be more of an Eastlake Program rather than ODNR Program. He's not here for his input; it would basically be under his department, his umbrella.

Mayor Morley: He has no issue again with what we've been talking about between the Chief and I have been if you guys do that he will do what he needs to do to make the program run. He's at an Officer's National Memorial this week in Washington, so he will be back when it ends.

Mr. Meyers: Just to expand further too I'd like to see something in there also that would allow...like the Mayor said to allow if they wish to use some type of public land a park or whatever that they have that option. At the Chief's discursion or his designee's discursion as long as the proper safety procedures are followed.

Mr. Klammer: I did have the Chief on that when I circulated it to you guys and I didn't hear anything comments or any other, so I think what the Mayor is saying is pretty accurate. He's ready to do whatever you want to do.

Mr. Kasunick: He was at the previous meeting on this issue and he did state that he was fine with whatever we decided. My personal view is the most important thing for me is that I think it should go to a vote and I think that the people should decide on it, whatever we put together. If they have a problem with it they can just decide to vote it down and I'd like to get it on the November ballot. We will be having an election so there shouldn't be an extra added expense. Again the main concern with the ordinance would be that I think some people might be concerned that it would be in a location where they might not be comfortable with. I think most people in the community are fine with it as long as it's done safely and in a location that is not going to cause any problem. With that what does the committee want to do? Mr. Overstreet and Mr. Spotton do we want to move something forward today or do we want to just set a meeting in a couple of weeks?

Mr. Spotton: If we are going to put it on the ballot then we have a little bit of time.

Mr. Kasunick: We have a couple of months to get it finalized. Mr. Overstreet do you feel the same way?

Mr. Overstreet: Finalize it and put it on the ballot.

Mr. Klammer: I wouldn't risk passing this as an emergency.

Mr. Kasunick: So we need three readings.

Mr. Klammer: No you need thirty days from when you do pass it in addition. If you are going to go three readings that's one thing, but the day you pass it, it's not affective for thirty days. So give yourself that extra thirty day window before it goes to the Board of Elections.

Mayor Morley: I'll call the Board of Elections and talk to them to see when things have to be in.

Mr. Klammer: Because if somebody is going to challenge it then they are going to say "Well you shouldn't have passed it as an emergency and then it went to the Board of Elections sooner than it would have," because if you don't pass it as an emergency it's not affective for thirty days. So you can build in that extra thirty day window. So if you are going to put it on the ballot you should probably just pull the trigger and put it on the ballot.

Mr. Kasunick: So do you think we should move something forward today if we want to do that?

Mr. Klammer: Well yeah you would just be moving it forward so I can finalize it and get you some legislation for the next Council Meeting.

Mr. Kasunick: So we can put it on First Reading at the next Council Meeting?



Mr. Klammer: Yeah so the legislation that I would be preparing for you is to put it on the ballot. So you would be asking for an advisory opinion from the voters on whether we should have deer hunting.

Mr. Spotton: I'm fine with that then.

Mr. Kasunick: Mr. Spotton has just voted affirmatively on that. Mr. Overstreet?

Mr. Overstreet: Yes.

Mr. Kasunick: I will as well and we will do that.

### MISCELLANEOUS

#### 1. To discuss the exterior home improvements.

Mr. Kasunick: Mr. Zuren?

Mr. Zuren: Yes I received an email from a resident of Eastlake who was concerned about exterior home improvement companies working on Sunday prior to 9:00 a.m. and after 6:00 p.m. He did state that he has no problem with any homeowner working at anytime, but he felt that the city should at least look into home improvement companies working at odd hours on Sunday. All I really wanted to do was ask the committee if there is any interest in this going to the Ordinance Committee to be discussed.

Mr. Spotton: The question that I have is that are they even permitted on weekends? Usually they're not.

Mr. Zuren: I'm sorry.

Mr. Spotton: I said usually these people working on their property or having contractors work on their property on weekend are pulling permits.

Mr. Zuren: He was concerned about a lot of companies were coming and cutting grass in the Valley Creek development they are coming in at 7:00 a.m. on Sunday and they are cutting grass at night. He felt that it was inappropriate.

Mr. Kasunick: Mr. Evers?

Mr. Evers: He's okay with the residents doing it from 7:00 a.m. till...

Mr. Zuren: Yes.

Mr. Evers: But he's not okay with a contractor. That makes no sense.

Mr. Zuren: That was the request.

Mr. Evers: You're okay with your neighbor doing it but the guy down the street has a lawn care guy doing why can't a lawn care guy? He's doing a job making a living. That would be my opinion. If he's okay with a resident doing it what's the difference? That would be good questions for him ask him what the difference is?

Mr. Spotton: How often does that guy get the lawn mowed at that time?

Mr. Zuren: He's saying it's...this came up last year too.

Mr. Hoefle: The resident approached me last year and I believe he also sent something to the Mayor as well. And I spoke with him and I told him...and he actually put something out there on social media and he actually got beat up pretty bad by the residents. Because they thought that it's okay to cut the grass...if these guys are out there making a living, you've got a lot of rain and weather conditions, sometimes they have to juggle the stuff and they have to come in there early. They have to stay late...like he said he doesn't care that a neighbor does it at night. You don't care if your neighbor does it but he's doesn't like the big mowers coming through and they are cutting their grass...and I told him...he got beat up pretty bad on social media, because they thought he was and basically they told him go on a vacation or something. I know what these landscapers go through. If you're going to do something with landscapers then you have roofers who want to start early. If they're doing a roofing job they want to beat the heat before it starts. They can get in and out real quick. You get some guys who's a homeowner who wants to do his own driveway and he rents a jack hammer and busting up some concrete, but the job has to be done by noon, he gets the equipment early. But then he has to get it back by noon. If you have them start after 9:00 a.m. how often is it...I'm okay with the way things are right now. We do have a noise ordinance it's from 7:00 a.m. until 11:00 p.m. I'm okay with it the way that it is.

Mr. Spotton: I'm okay with the way that it is. I don't think that this is a compass city wide issue or an everyday issue for this gentleman either.

Mr. Zuren: I was just asked to bring it to Council and that's what I've done.

Mr. Klammer: You should have that draft to on what I proposed for the YouTube stuff. I did send that in the last.

Mr. Meyers: You did?

Mr. Klammer: Yeah.

Mr. Kasunick: I'm not sure if I received that or not.

Mr. Klammer: I will double check to make sure you got it then. Make sure it has sent. It was a week or so ago I was going to keep down to one page authorizing you to put it online. I will double check to make sure.

Mayor Morley: I think you said that you were working on it.

Mr. Klammer: It's sitting in my outbox.

Mayor Morley: I'm waiting for Ms. Schindel to order any...

There were no questions or comments.

RECOGNITION OF PUBLIC

There was no one wishing to speak at this time.

The meeting was adjourned at 6:30 p.m.

tms

APPROVED: *Joan Klammer*

DATE: 7/25/19