

PUBLIC HEARING

June 11, 2015

The Public Hearing of Macedonia City Council was called to order on June 11, 2015 at 7pm by presiding officer, Mayor Donald Kuchta

Present: Council members' Rita Darrow, David Engle, Sylvia Hanneken, Nicholas Molnar and Janet Tulley: Council Clerk Josephine Arceci

Absent:

Purpose of Public Hearing: **ORD. NO. 52-2015;** AN ORDINANCE AMENDING SECTION 375.03 OF THE CODIFIED ORDINANCES RELATING TO SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES (First reading, May 14, 2015, Second reading May 27, 2015)

Public Comments

Resident Mike Hawkins of 9179 Briarwood Circle expressed concern that the regulations proposed by Ordinance No. 52-2015 prohibit him from continuing to enjoy riding his off-road recreational vehicles on his four acre parcel. Mr. Hawkins stated while the ordinance permits riding on one acre parcels the regulations pertaining to distances included in that ordinance preclude riding, particularly on his parcel. Mr. Hawkins described himself as responsible rider of on-road and off-road ATV's and motorcycles. Mr. Hawkins explained that uses his off-road vehicle for removing snow on his property; his mother's who lives next door, his neighbors and even the cul-de-sac of his street. The cul-de-sac he clears only during daytime hours he added. Mr. Hawkins does not charge anyone for removing their snow. Mr. Hawkins provided a brief tutorial of various types and models of ATV's and dirt bikes. Mr. Hawkins acknowledged that larger, louder versions are a nuisance and that noise and dust is the real nuisance. In his opinions governing these particular issues are most important. Mr. Hawkins feels Ordinance No. 52-2015 should be revised so that law abiding residents such as him are not punished, so recreational vehicles can continue to be enjoyed. If that is not possible he added then perhaps a grandfathered clause can be included for certain property owners such as Mr. Hawkins he added.

Councilor Hanneken thanked Mr. Hawkins for his input. Ms. Hanneken explained that the residents who have complained are bothered by the on-going noise and dust created by neighboring property owners who are not as respectful or as considerate as Mr. Hawkins. The frustrated property owners cannot enjoy the use of their property because of this perpetual nuisance. Windows cannot be opened or yards or patios enjoyed because of disturbances caused inconsiderate neighbors, often children riding ATV's unsupervised. Ms. Hanneken is empathic for this reason. This is a difficult problem to resolve she added. Ms. Hanneken mentioned that the regulations Macedonia has proposed are not as severe as the ordinance created in Northfield Village. Ms. Hanneken welcomed Mr. Hawkins' suggestions as he seems to have ideas that were not considered during the initial draft of Ordinance No. 52-2015 she added.

Mayor Kuchta interjected that complaints spur remedy. The City is merely responding to complaints by residents who are desperate. Their quality of life, their use of their property has been diminished because of the constant misuse of ATV's by inconsiderate neighbors. Ordinance No 52-2015 is not meant to penalize owners of ATV's. The intent of Ordinance No. 52-2015 is to fairly regulate ATV's so everyone is content; so everyone can enjoy the use of their property.

Resident Paul Coppedge of 984 Shepard Hills Road stated that he owns 200 acres 45 minutes east of Macedonia which his family calls "the farm". The farm is where the entire family enjoys riding many of the off-road recreational vehicles they own. Rarely are these vehicles ridden on their Macedonia

PUBLIC HEARING

June 11, 2015

property but they are on occasion Mr. Coppedge added. What disturbs Mr. Coppedge most about Ordinance No. 52-2015 is that he is being told what he cannot do on this property. Mr. Coppedge also resents rules that punish everyone because of negative actions of a few; rules that punish citizens who abide by the law. Good, law abiding citizens should not have to take the brunt of this law Mr. Coppedge stated. Common sense should prevail but regrettably there is no law that can enforce common sense. Mr. Coppedge added that unfortunately Ordinance No. 52-2015 prohibits the small 3-horsepower mini-bikes the very young children enjoy riding. Mr. Coppedge questioned why the noise ordinance isn't being enforced if noise is the primary complaint? Why isn't a decibel reading of the noise taken he asked?

Mayor Kuchta explained to Mr. Coppedge that measuring the decibel of sound is not always an accurate indication of noise nuisance because engine varies as the rpm of the engine changes. Moreover the nuisance activity tends to cease when the police arrive so no measure can be taken Mayor Kuchta added. It is one's neighbors word against another's. The Mayor mentioned that Chief Golden and Prosecutor Myra Severyn researched laws from various communities attempting to create a regulation that would be fair for everyone.

Resident Dave Lacey of 8578 N. Bedford Road explained he grew up in Macedonia and is a Nordonia Hills graduate. He purchased his parent's home. Mr. Lacey feels he is a good parent who is watchful and mindful of his son's activities. Mr. Lacey's son is only permitted ride his dirt bike under Mr. Lacey's supervision or that of his wife he added. Mr. Lacey also feels he is a responsible property owner as well as a considerate neighbor. Mr. Lacey asked they he not be punished for the inconsiderate actions of property owners who do not abide by the same standards. Mr. Lacey explained that the way the proposed ordinance is written prohibits his son from riding his dirt bike even though the Lacey's property is an acre. The primary reason Mr. Lacey added is the distances regulated by the ordinance. Mr. Lacey does not oppose establishing guide lines but if distances are to remain he suggested 50 feet behind the residential structure and at least 20 feet from the property lines to be more reasonable. Mr. Lacey thought the length of time allotted to riding seemed appropriate, dusk to 8pm or whichever came first. But Mr. Lacey thought riding should only be permitted in increments of time, not for the entire 8 to 12 hour period. Mr. Lacey also thought the ordinance would better serve if the restriction pertained to the size of recreational vehicle. He thought too that there should be a limit on the number of bikes in use per acre at any given time. One vehicle per acre seemed reasonable to him. Mr. Lacey suggested high performance vehicles should be strictly prohibited.

Mr. Engle asked Mr. Lacey what he thought would be a responsible amount of time for riding to which Mr. Lacey answered an hour or so. Mr. Engle agreed with Mr. Lacey that more than one ATV on a parcel at a time is problematic.

Young resident Joshua Krysinski of 9012 Crow Drive said he rides a 70cc four-stroke bike. His parent's property is small and confined making it difficult for him to keep his riding just to the back yard. Young Krysinski suggested that high performance parts on bikes be prohibited, as well as larger two- strokes bikes. He thought limiting the number and the size of bikes on a one acre parcel was reasonable. Young Krysinski mentioned his parents' allowing him to ride his off-road bike encourages him to keep his grades up.

Resident Tim Maholm of 517 Robin Lane questioned how the length of time one rides can be enforced?

Resident Jerry Jordak of 8938 N. Bedford Road concurred with previous statements made by fellow residents. In Mr. Jordak's situation he would be prohibited from riding any off-road vehicle because of

PUBLIC HEARING

June 11, 2015

500 foot restriction. Mr. Jordak explained while he owns 6.25 acres his parcel is narrow, only 250 wide. Mr. Jordak thought 25 feet from the property line was more realistic than the proposed language of the ordinance.

Resident Marie Washington of 9176 Cherokee stated she has been a resident of Macedonia for 23-years. The last 12 of which she said have been next to neighbor from hell. This neighbor Ms. Washington added complains about everything Ms. Washington's son does. Ms. Washington explained that her property is less than one acre and that her son enjoys riding an ATV that was willed to him by his uncle who died last May. Macedonia's police have warned the Washington's that if their son continues riding the ATV the vehicle will be removed or their son will be arrested. The police informed the Washington's that the ATV could be made "street-legal" by adding a license plate and head light. That is not an option in Ms. Washington's opinion. Ms. Washington stated that Councilors Darrow and Hanneken presented the Washington's with a petition signed by 27 neighbors complaining about the Washington's son riding his bike and/or his skate board or anything their son does. Ms. Washington stated there has never been any other resident who complained about their son until Councilors Darrow and Hanneken presented the petition to Ms. Washington. Where can her son ride if not in his yard Ms. Washington asked? Where are residents allowed to ride if not on their property? The City of Bedford has a riding park. Is Macedonia planning to create a place for residents to ride if residents are prohibited from riding on their personal property she asked?

Mayor Kuchta told Ms. Washington there are no plans to create a riding area. Ordinance No. 52-2015 is an attempt to provide reasonable guidelines so every resident can enjoy the use of the property equally. Mayor Kuchta asked Messer's' Coppedge, Hawkins and Lacey to meet with the mayor over this ordinance as their suggestions are worth considering. The invitation was opened to other residents as well.

There being no further comments, the public hearing adjourned at 7:37pm