

## **MINUTES OF PUBLIC HEARING**

**September 6, 2016**

### **Temp. Ord. A-56 (Sub. Dated 9/6/16)**

**An ordinance approving regulatory text amendments for Section 1133.04(A)(6) Beekeeping and Section 1114.03(I)(3)(c) Beekeeping in the Cuyahoga Falls General Development Code, and declaring an emergency.**

On the 6th day of September, 2016, at 2345 Fourth Street, Cuyahoga Falls, Ohio at 6:35 p.m. EST, a public hearing was called to order and conducted regarding Temp. Ord. A-56 (Sub. Dated 9/6/16) dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published twice in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls, at least fourteen days prior to the date of the hearing, to-wit July 17, 2016. A true and accurate copy of the published Notice is attached to these Minutes.

Three people spoke in support of the legislation and two people spoke against the legislation. Fred Guerra, Planning Director of the City of Cuyahoga Falls, explained the regulatory text amendments to Section 1133.04(A)(6) Beekeeping and Section 1114.03(I)(3)(c) Beekeeping in the Cuyahoga Falls General Development Code. On July 6th, 2016, the Cuyahoga Falls Planning Commission approved a text amendment to allow beekeeping on single-family residential lots and in E-1 Employment Zones. The existing code that was adopted in 2005 only allowed beekeeping as an agro business or a farming operation in the RR-Rural Residential Districts or in the NP1-National Park District. Prior to the 2005 development code, the city allowed beekeeping as a conditional use on rural lots, five acres or more, in R-1 Districts.

In 2015, both the Law Department and the Planning Division received a number of complaints and inquiries about urban beekeeping. Based on these complaints and inquiries, it was decided the code need to be amended, and the code was then amended it to allow it for single family and E-1 Employment Districts. On July 6th, 2016, the Planning Commission approved an amendment with the stipulation that the Planning Director could continue refinement of the amendment up to the public hearing. On August 4, 2016, the Planning Division and Law Department representatives met with Emily Mueller, Summit County Apiary Inspector; Peggy Cartwright, President of the Summit County Beekeepers and Peggy Garnes, Ohio State Beekeepers Association to perfect the text amendment as follows:

#### **1133.04 (A) (6) Beekeeping**

- 1 Beekeeping (owning and breeding bees for their honey).
  - a. All bee hives (colonies) must be kept with movable combs in good condition.

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- b. Allowed bee hives
  - (1) Small, Attached Single-Family and Multi-Family Lots-- not allowed
  - (2) Standard Lot to Suburban Lot-- up to 2 established hives
  - (3) Low Density Lot -- up to 4 established hives
  - (4) Large Lot -- up to 6 established hives
  - (5) Rural Lot-- up to 8 established hives
  - (6) Agro Businesses, Farming Operations or Employment Zone (E-1) Businesses beehive quantities are subject to Major Site Plan application procedures.
- c. Nucleus colonies or summer splits may be allowed on a temporary basis,
- d. No hive shall be kept closer than fifteen (15) feet to any lot line or thirty (30) feet to any public right-of-way. Bees shall only be kept in the rear yard, except in Rural Lots where bees must be kept behind the front and side setback lines.
  - e. A solid fence or dense hedge, known as a 'flyway barrier," at least six (6) feet in height shall be placed along the side of the bee hive that contains the entrance to the colony and shall extend at least two (2) feet on either side of the hive No such flyway barrier shall be required if al/ beehives are located at least thirty (30) feet from al/ property lines, for beehives that are located at least ten (10) feet above grade or for beehives with the sole opening pointed towards the residence of beekeeper
  - f. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day. This water source must be closer than any other water source not owned by the property owner.
  - g. No Africanized bees may be kept.
  - h. Must be in compliance with all State of Ohio and Ohio Department of Agriculture rules and regulations for the keeping of bees. Property owners keeping bees must post a copy their certificate of registration from the Ohio Department of Agriculture on or near the hives.

**1114.03 (1) (3) (c) Beekeeping**

Beekeeping. A Nonconformity with the requirements in 1133.04(A) (6) (b) for the allowed number of bee hives per Lot Type shall be amortized over 36 months from September 1, 2016

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Mr. Guerra stated that 1114.03(I)(C)(3) Beekeeping was added to allow a period of time to conform to the new regulations. It was decided that the City would amortize the allowed number of beehives per lot type over a 36-month period, beginning September 1, 2016. A beekeeper on a standard lot with four beehives will have three years to get down to two beehives. It allows beekeepers to keep those bees until that queen bee dies. The other regulations of a flyway zone or a fence must be followed immediately. Mr. Guerra stated that that is the amendment. Once they get into the Committee meeting, he will answer any questions there may be.

Mr. Bill Tompkins, 307 East Portage Trail, stated that he wanted to thank the Council members who visited his apiary and saw his operations. He believes new beekeepers should have some sort of mentor or belong to a club or have some other education in the keeping of bees along with a permit for having hives in Cuyahoga Falls. Mr. Tompkins also stated that he has a concern with the spraying programs throughout Summit County. He hopes there is a list that can be given to Summit County officials who do spray, taking into account that beekeepers need to be notified before any spraying in their neighborhoods are done.

Mr. Ronald Frase, 3380 Hendon Circle, stated he is a 58-year resident of Cuyahoga Falls and an amateur backyard gardener. He was present today to defend the right of city residents to keep bees in limited quantities. In recent years, America has lost a large portion of honeybees from Colony Collapse Disorder. He has personally noticed the significant loss in the number of honeybees in his yard. He has also noticed a significant reduction in the amount of the plants that get pollinated. He attributes that to the reduction to the lack of honeybees. Mr. Frase stated he believes that the objection people have to urban beekeeping stems from a fear of stinging insects. Most fear of insects stems from ignorance or misidentification. Honeybees should not be confused with wasps, hornets or the very hostile yellow jackets. Honeybees sting only when provoked by aggressive behavior, such as swatting, or in defense of their territory. The European honeybee that is kept locally was specifically selected by beekeepers because of its non-aggressive behavior. Urban hives kept in limited quantities pose little or no threat to residents. Urban hives help to supplement the loss of bees due to Colony Collapse Disorder. Urban hives improve pollination in areas bereft of natural populations of honeybees, and urban hives produce a source of fresh honey for hobbyists. Mr. Frase stated he believes that the residents of Cuyahoga Falls should be allowed to maintain one or possibly two beehives in their own yards.

Ms. Kara Farkus, 1650 16th Street, stated that she is actually for the ordinance. Her position on this matter is pretty well-known, since she is one who brought the ordinance forth. The truth is that simply most beehives on most properties in Cuyahoga Falls right now are illegal. She and her neighbors have brought their concerns about this to the City for many years. The City has agreed and acknowledged that they are, in fact, illegal. However, for whatever reason, the City has refused to enforce the current

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ordinance; instead, they have told d her and the neighbors who are being affected by this violation that they have to compromise and draft a new ordinance which would, in turn, make beekeeping legal. They actually support the hobby as long as it is done is a safe and respectable matter, unlike how it was currently being done. She stated she will do whatever it takes to keep her family safe no matter who it upsets. Shame on the City's Zoning and Law Departments, who are setting a precedent for residents by showing others they don't need to abide by the City ordinances, because they won't enforce them anyway. She stated that this is not dispute between neighbors, but an issue of being able to enjoy their property, and, most importantly, safety. Ms. Farkus stated that that Council can change this. They can finally put an ordinance in place that she is in support of and she actually expects the City to enforce this time to help her keep her family safer. The truth is if Council doesn't do this, the liability also now falls on each and every one of them. Ms. Farkus stated that this should not be an issue decided based on who your family members are that work in the city or who your friends are that work in the city, nor is this a political issue. She stated she hopes that when Council votes, they will not be taking any influences into consideration, but rather the facts. Do what's right, because someone's life could depend on it.

Mr. John Drumm, 2781 Tiff Street, stated that if he plants 10,000 wildflowers in his front yard, there are going to be the same number of bees that somebody that read a book and said they only need three beehives per household. What happens if there's a front yard that has thousands of weeds that have flowers in them that is going to bring the same number of bees? What happens if he has a pool and doesn't put the cover on and has 50 million mosquitoes? Is the City going to regulate how many open ponds that you're allowed to have in your yard now, because now they're going to start regulating mosquitoes? He stated that this is getting ridiculous, and if this passes, he is going to file a claim, Title 18, 241 and 242 against the ordinance.

Ms. Veronica Deppe, 402 Hathaway Drive, stated that she and her husband and moved here about two years ago. Shortly after they moved in, she was told by her next-door neighbor that they had beehives and was asked if she was allergic. At about the age of 10, she found out she was allergic. Her mother, two years ago, was bit by a bee. She did not know she was allergic. She immediately had to go to the hospital, where four doctors worked on her for several hours to bring her back to life. A couple months ago, a cousin got stung by a bee. He went into an immediate comma and he died one week later. Ms. Deppe stated that her next-door neighbor has a privacy fence. They recently extended part of that fence so it goes along the backside of their yard. Any day, between 2 and 5, when the sun is at its brightest, her backyard is like an LA freeway for bees. All she has to do is walk in her backyard and they fly like bullets across her backyard. All she has to do is stand there, and she can get stung. She avoids her backyard. Ms. Deppe stated that she really doesn't understand all the ins and outs of this ordinance, but she is begging Council to put together some type of a regulation where the citizens are not at risk. She knows it is easy to look up anything and say that honeybees are safe, but she can tell you firsthand that her husband has been aggressively sought out by these. She stated that she hopes that she's not sorry that she moved to this city.

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No further comments, either for or against the legislation, were offered by anyone in attendance. Planning & Zoning Committee Chairman, Russ Iona, declared the public hearing closed at 7:04 p.m.

Certification

The undersigned, Dana M. Capriulo, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio at 6:35 p.m. on Monday, September 6, 2016, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: September 6, 2016

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Dana M. Capriulo, Clerk  
Cuyahoga Falls, Ohio City Council