

**BUILDING & BUILDING CODES COMMITTEE MINUTES
JULY 20, 2021**

The Building & Building Codes Committee meeting was held on July 20, 2021, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:50 p.m.

PRESENT: Committee Members: Chair Linda Barath, Vice Chair Jessica Fenos; Council: Paul Marnecheck, Vincent Weimer, Jeremy Dietrich, Joanne Krejci, Mike Vos; Administration: Mayor Larry Antoskiewicz, Finance Director Eric Dean, Fire Chief Robert Chegan, Economic Development Director Tom Jordan; Other: John Nickell, Casey Charles, Marty Mason, Beverly Ciepiel, Ryan Smalley.

Ms. Barath moved to excuse Ms. Krejci from voting on the June 15, 2021 minutes. Moved by Ms. Barath, seconded by Ms. Fenos. Vote: Yeas: 2; Nays: 0. **Motion carried.**

APPROVAL OF MINUTES

Approval of June 15, 2021 Building and Building Code Committee minutes. Moved by Ms. Barath, seconded by Ms. Fenos. Vote: Yeas: 2 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. 2020 City Wide Master Plan Update/ Master Plan Memorial Park

Mr. Jordan provided a quick summary and turned things over to Ryan Smalley to provide the update on the Master Plan. Mr. Smalley, Owner of Envision and Principal Planner on the Master Plan project, provided a detailed summary. He defined the Master Plan as an advisory document to help with decision making, which are only recommendations. *Please see attached Master Plan Update report.*

Ms. Krejci raised question in reference to the community surveys that were mentioned, which ran from mid-February through March, and were offered online and in print. She had asked about the number of responses, which were 822 out of roughly 35,000 residents, inquiring whether that was that a good response in percentage. Mr. Smalley stated that it varies from place to place, and he felt that it was not a bad percentage. He indicated that it is difficult to get people to take the community surveys.

Mr. Weimer pointed out that the City has done a number of master plans; having put them in front of the voters. He talked about voters' questions on occasion, whereas they want to know why another master plan is being put on the ballot, when nothing may be done with it again. Mr. Weimer asked Mr. Smalley his recommendation, if this gets approved by the voters, what Council could do in order to help ensure that these things come to fruition. Mr. Smalley spoke about the Charter mandates, in which every so often, the City has to update the Master Plan. He recommended that in six months to a year, to look and see what has been accomplished and priorities etc. He indicated that the staff takes these things and pushes them forward, but that having an agenda month down the road to see what has been done at that point, and review all of progress, would be his recommendation. Mr. Jordan commented on the positive note that we are unwinding things that were talked about in the past.

As discussion ensued, Mr. Weimer agreed that we have made huge leaps and bounds on Storm Water issues and could continue to do so. He explained that a lot of the residents just want to see things happen. His concern was being able to make sure that we are not still seeing these ideal pictures from the Master Plan years from now, but that we can get some of those tangible things happening. He commented that he believed some of the frustration within the community is that when driving through other cities, you see much more cohesive "welcoming", that you've entered cities, and we still do not have that; people thought that we would see that in the City after the 2004 plan. Mr. Weimer reiterated anything that Council could do to try and make sure we do not just go after these big things that are infrastructure, but that we will also in fact, see the tangible things happen, and do the best that we can do; to help the process come along.

Mayor Antoskiewicz wanted to point out that we have only been in this for roughly a year and a half, whereas last year was really not a year to get a lot of things done. We know how many master plans we have gone through since 2004, not a lot has changed on that entire Master Plan for all those years. One of the first things he looked at is, if something is not working, he wants to change it and figure out how it works. He felt this plan simplifies a lot of things, which he felt would encourage development and make it easier than what it has been in the past. As we are seeing with the Master Plan for the park, he agreed that we do hear those things from residents. On a positive note, we are starting this fall and people are going to start seeing projects. We will start seeing things in the park, the pavilion and in the redoing the bridge; starting to get that prepared. The Mayor has been in conversations to start something, to get it out to bid and what can we do for next year. Whatever we can do indirectly, we have already started it, as well as with Abbey Road. Once that gets going, and people see some progress, he would not be surprised if phone calls come in about properties on Abbey Road. We can do more sidewalks; start to try to change the look of the City. He spoke about Route 82 and talked about bringing more character to the City. He realizes that folks want to see things happen. He commented that he is the first one to say that if things are not working, to explore what will work and then change it. Ms. Barath agreed that people do want to see things, they no longer want to hear about them. Mayor Antoskiewicz agreed that is definitely the goal.

Mr. Dietrich touched on cost, in which you have to have money to do things. He pointed out that an industrial area is where the majority of cities get their money. He recalled a conversation he had with the Mayor in Strongsville, whereas it is a small percentage with what they do in retail; only 7% of their operating money. If everything is added up, including the mall, stores such as Walmart and Target, the two hospitals, including Cleveland Clinic, they are roughly 9% percent; outweighing all of the retail. He stated that those two buildings outweigh all of the retail. Retail is not what does it, the mixed use should have some retail he felt, in Town Center District, but the biggest thing is the Industrial Parkway. He believed that we have one of the largest pieces of property, as far as zoning industrial property in Cuyahoga County. That was his biggest thing coming on Council, was pushing to do what we had to in order to make it more desirable to developers. He has had discussions with the Mayor, and we know what we have to do now for the sewers and such things to have that happen; that is where we get our money. 40% of our operating budget for Council comes from that area. He felt that that is what is different about this Administration and Council; we are actually moving in that direction. Once we get businesses in there, he believed that people will be surprised at how much our budget goes up.

Mr. Dietrich also wanted to talk about the TCD (Town Center District). He inquired whether Mr. Smalley provided a map today, showing what was rezoned and why; because that is very important and has changed quite a bit. Mr. Smalley indicated yes, and referenced the packet while discussing things, such as rezoning areas and parcels as shown.

Mr. Weimer raised question as to what is going on with the rezoning in Ward 5, with the Metro Parks. Mr. Jordan spoke of areas that have no chance of going back to residential zoning, they were rezoned as a public facility. Mr. Weimer discussed with him whether there are plans yet with what they are going to do with the pieces of property. Mr. Jordan recapped his meeting with the Executive Director, mentioning a lot of it is conservation. We are interested in partnering with them.

Ms. Krejci asked for more clarification on the vote tonight. Mr. Jordan indicated that tonight you are doing two things. You are accepting the Master Plan, and separately you are authorizing this to go to the voters for rezoning of those four specific areas; the number of parcels is greater than four. Mr. Dietrich believed we did have until September to get this to the voters on the ballot. He went on to say we will have recess coming up for August. He did not think it would change anything if it did go to third reading. Mayor Antoskiewicz pointed out that there would have to be a special meeting, because it may need to be in before the first Council meeting in September. Mr. Marnecheck added that it is a Charter change. Mr. Kelly noted that the deadline is August 4th, in which this is the last meeting that we could consider it or have a special meeting just for this.

Mr. Jordan continued to touch on the TCD, which currently has five subzones. He spoke of the various people that were on the Master Plan this time, in which there were two very good representatives, one of the realtors and one of the most active developers. Their issue was just simplifying it. In short, what is happening in the TCD, parcel by parcel is being developed, not as one large development, which is what the old zoning expected to happen. Mr. Jordan noted developing is going to happen progressively, not all at once. To get there on the zoning basis, it is already zoned commercial, and zoned TCD. Those new within the five subzones have to be consolidated into one consistent zoning regulation. We believe we may be able to achieve that through Council; only changing the regulations with TCD. He commented that it is going to be challenging. He believed it is going to be zoning regulation changes through Council, and there may be rezoning that perhaps Council could do. There may be rezones that may have to go to the voters next year. We had an earlier meeting with the Law Department, at which we had this discussion. When they enacted the 2004 TCD zoning, there was a specific provision which they put in the Charter at the time of the rezoning, to actually make it difficult for the City to rezone the TCD. Mr. Jordan stated that we have to be careful that when we do the zoning regulations inside the TCD, we do it lawfully. If we have to take it to the voters, we will, however we should be able to change most of it without taking it to the voters.

As discussion ensued, Mr. Dietrich asked Mr. Jordan whether the TCD map was changed or added to. Mr. Jordan indicated no, not what is being worked on this fall; it does not change it. Mayor Antoskiewicz concurred, that it entails how it is developed within the TCD. Mr. Dietrich asked to clarify if what he wanted to change is how it is regulated within the TCD. Mr. Jordan concurred. Mr. Dietrich reiterated that the vote tonight does not rezone the TCD at this time. Mr. Jordan confirmed, stating that a series of actions would be required over a year period.

Mr. Jordan spoke of Memorial Park. He recalled the Mayor's earlier comments that a presentation was made to Council relative to the Park Plan. The actual finished product of the Park Plan, consistent with the presentation that was made before Council, would be produced. Mr. Jordan has a draft to finish, in hopes with Mr. Smalley's assistance. He believed with Council's consent, we are authorizing the design to go to bid for the bridge replacement, the island, and also for the upper pavilion to be replaced. Ms. Barath asked if that is the first thing we will tangibly see happening. Mayor Antoskiewicz concurred.

2. Temporary employment street signs

Ms. Barath mentioned the signs popping up along with right-of-way, in which some of them have come down. Some have been moved and she is not sure how they are being moved or by whom. Mr. Jordan indicated that the City does remove some of them. He went on to say that you are not allowed to have the discount signs in the right-of-way. Some folks try to put them on private property because they are not allowed there. Ms. Krejci received complaints also, when she was meeting residents about how the signs at those corners are affecting their visibility when they are trying to make a turn. She questioned the protocol for such signs. Mr. Jordan indicated that if they are in the right-of-way, to submit it; they will take care of it. Ms. Barath inquired about business signs on a mailbox. Mr. Jordan indicated that you are not supposed to put them in the right-of-way, not even on the route 82 improvements. He mentioned there were some letters going out pertaining to some of those. Mr. Jordan shared they try to strike a balance with our business community. They could move the signs onto their lawn, but they do not.

Mr. Marnecheck referred question to the Lieutenant, if one of the reasons for that rule is due to visibility limitations in your vehicles. He concurred. Ms. Barath agreed. Ms. Krejci commented that they also are not a good presentation. As discussion ensued about signs, Mr. Marnecheck talked about events, in which signs are still posted after events are long over. He reiterated they are in the way for drivers. Ms. Fenos asked whether we are talking about the right-of-way on business property, or private property as well. Mr. Jordan indicated both. Whether it is a house or a business, there is not supposed to be signs there.

3. Economic Development

Mr. Jordan reported that CT Consultants was hired to do an infrastructure planning study for Phase III of the Industrial Park. He met with CT Consultants on a number of occasions for preliminary findings relative to a significant number of wetlands. Our goal is to maximize developable land by constructing infrastructure such as bridges, roads or mitigating wetlands. He hopes to have a report to Council upon return from recess in August.

NEW BUSINESS

Mr. Wos was aware that Ms. Schroeder has been doing research on this, as to some of our ordinances involving developments and sub developments. Interesting to him, he knows a resident that happens to sit on the Planning Commission, also a neighbor, and is in one of these situations where some developments will have some retention or detention basins. Currently the way the ordinance stands, a developer can have a basin on a private parcel, then be sold to somebody which can create some issues, because the retention basin failed twice. That is a considerable cost and people on the HOA do not really understand it; they have to maintain that even though it is on someone else's private property. Mr. Weimer shared his thought about making a change to one of our ordinances, whereas we take retention and detention basins and require them for sub developments, to basically have the potential to be detention placed on their own parcel; verses being part of a private parcel that then can be paired off and sold to someone. There have been issues around this type of thing. To him, it is strange that you would have a development with an HOA in place, and you put a water retention on a private lot.

Mr. Marnecheck commented that when somebody buys a house and they may not be aware that, whereas they may think it is on their private property and that it is the HOA's; also, the documents may not clearly indicate that it is not. Ms. Barath will keep this on the agenda.

Mr. Weimer felt that maybe it might be beneficial to take a broader look at our ordinances around HOA's in general in the community. We have an issue in Ward 5 with an HOA, where it is split between Strongsville and North Royalton; with Strongsville side being taken care of, but the property pieces on North Royalton side are not. He thought that maybe there is a broader discussion that we could look at in general, with what kind of rules are round HOA's. In Broadview heights, they passed something similar about retention basins. Mr. Wos mentioned that from a developer stand point, you have wet basin there that is well water, perhaps we require some type of variation when that is being built, and the maintenance of that would be part of the HOA in the future. This kind of thing would help deter growth of vegetation and algae, mosquitos, insects, things like that, which can cause a nuisance to some of the neighbors. Ms. Barath noted that we could ask Mr. Haselton for his thoughts about this. Mayor Antoskiewicz agreed. Ms. Barath suggested inviting him and talking about it at the next Building Code Meeting.

MISCELLANEOUS

Ms. Barath informed everyone that there is a resident present to speak.

Beverly Ciepiel, at 5820 Goodman Drive, gave a history of circumstances about a property behind her home with her concerns and questions. She summarized that in 1979, a party purchased this property adjacent to 12905 Ridge Road. The property was split to enlarge two properties on Goodman Drive in 1983. The remainder was sold to a George Horvath in 1983 who lived in Broadview Heights. Then sold again in 1993 to Martin Minato. Unannounced, they were issued a permit for a nursery owned by this person; behind them. She asked how is a nonconforming use established? Properties on either side of the nursery had some concerns with the operations. A 12-foot judgement entry was issued by a Judge in 1991. A public notice from Planning Commission was sent to her in 2002 for a site plan and signed approval for Grace Brothers Landscaping; the potential new owner. Her husband, and herself attended the meeting and asked Grace Brothers if they were likely to bring the landscaping business to this location, in which they had replied no;

they were only selling plants and trees. The Law Director at the time was asked to review the settlement agreement between the City and new owner.

Mrs. Ciepiel read Number 8 of the judgement entry as follows: Defendant has and shall continue to limit storage of raw materials to only mulch, top soil mix, to be kept in no more than two bins of constructive railroad ties. Furthermore, the defendant shall at all times possible cover the raw materials with insect storage bins or tarp or plastic. All other raw material, including but not limited to, gravel and sand, shall not be permitted stored except for defendant's own use and consumption. How many piles of raw mulch can Grace Brothers sell? In 2003, according to the County Auditor, the land use code changed that property from residential to agricultural district. Mrs. Ciepiel indicated that there is an application for this to be filed with the County and must also be filed with the City. The Legislative body is required to conduct a hearing on the application, there is a renewal to be filed etc. and approved by Council. She stated that Council was never informed of a public hearing; as an agricultural district. Today, she wants to know why.

As discussion ensued with the resident, Mr. Jordan stated he would make a copy of her letter and promised that he would get her an answer within two weeks.

ADJOURNMENT

Moved by Ms. Barath, seconded by Ms. Krejci to **adjourn the July 20, 2021 meeting**. Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 7:54 p.m.