

**BUILDING & BUILDING CODES COMMITTEE MINUTES
SEPTEMBER 21, 2021**

The Building & Building Codes Committee meeting was held on September 21, 2021, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:21 p.m.

PRESENT: Committee Members: Chair Linda Barath, Joanne Krejci; Council: Paul Marnecheck, Jeremy Dietrich, Mike Vos; Administration: Mayor Larry Antoskiewicz, Finance Director Eric Dean, Fire Chief Robert Chegan, Police Chief Keith Tarase, Economic Development Director Tom Jordan, Law Director Thomas Kelly, City Planner Kyle Reisz.

Ms. Barath moved to excuse Ms. Fenos from tonight's meeting. Moved by Ms. Barath, seconded by Ms. Krejci. Vote: Yeas: 2; Nays: 0. **Motion carried.**

APPROVAL OF MINUTES

Approval of July 20, 2021 Building and Building Code Committee minutes. Moved by Ms. Barath, seconded by Ms. Krejci. Vote: Yeas: 2 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

Mr. Jordan announced that the new City Planner, Mr. Kyle Reisz was in attendance. Mr. Jordan gave a brief explanation of the ordinances. Pertaining to the secretary position, as it was in the code, some adjustments are being made where it references a part time person; this would be referring to Ms. Veverka. For the portion of Board of Zoning Appeals, it entailed a reference whereas the Building Commissioner shall attend meetings. The Building Commissioner, or designee, would be converted to Mr. Reisz. Mr. Reisz would also be acting as the secretary to the Planning Commission. Lastly, noticed in the code, was the way notices are posted; which had not been updated. Therefore, we took the opportunity of amending this provision within the code section. Mayor Antoskiewicz had asked Mr. Reisz to attend this evening. Mr. Jordan introduced Mr. Reisz.

Mr. Reisz, the new City Planner, indicated he was in his fifth work week. He shared some of his biography, where he previously worked for the City of Cleveland. There, he focused primarily on housing developments and writing the zoning code. For North Royalton, never having had a City Planner, his focus is to do some of the basics to begin with. He is looking to implement a mapping program that is basically industry standard, where we will be able to obtain an online zoning map for residents. It will be fully interactive. He brought up previous ideas to look at the traditional Town Center; the zoning categories, and what we can do to update that based on the City-Wide plan. He would be reviewing that and perhaps making some changes for the better. Mr. Reisz expressed his appreciation in being here.

Mr. Dietrich congratulated Mr. Reisz and expressed his enthusiasm that he is here. He felt it was long overdue. He commented that we have one of the largest industrial properties, and he was excited to start talking about Town Center; which is in his ward. Mayor Antoskiewicz shared that when this position was opened, he was not sure about the outcome and was really impressed with the strong applicants. He was very glad to have Mr. Reisz on board.

2. 2020 City Wide Master Plan Update/Master Plan Memorial Park

Mr. Jordan explained that the City-Wide Master Plan update and Master Plan Memorial Park plans are now completed. The Master Plan is available on the website. We were just proofing the Memorial Park plan right before it was published online. It does reference that the Mayor wants to put the plans into action. One of the steps was to implement the first one that we had gone out to bid on, and that is Ordinance 21-150; authorizing the award to F. Buddie Contracting. The bid tabulation came in somewhat high. However, given the current

times, and examining from the engineer's estimate, we felt that if we would not receive one any lower. We wanted to move forward with that award.

Ms. Krejci raised question regarding the bridge, as to which shelter, we are wanting to replace. Mr. Jordan indicated it was the upper shelter by the restroom; as an entire new structure.

Ms. Barath moved to **remove this from the agenda**. Seconded by Ms. Krejci. Vote: Yeas: 2; Nays: 0. **Motion carried.**

3. Temporary employment street signs

Ms. Barath noted that more signs are showing up at intersections and at the right of way. Mr. Jordan advised that we are allowed to remove any signs in the right of way without notice. Those are not allowed, however, there is nothing legislatively that can be done. Mayor Antoskiewicz indicated that we try to be lenient on the employment signs. However, perhaps we could go directly to the company regarding the advertising signs and ask them to take it out of the right of way; and the corners. He recapped that it is fine to put them up in yards. Ms. Barath asked if we could task someone in the Building Department to make contact with the company; that has the signs. Mr. Jordan indicated that he would have the company contacted.

Ms. Barath moved to **remove this from the agenda**. Seconded by Ms. Krejci. Vote: Yeas: 2; Nays: 0. **Motion carried.**

NEW BUSINESS

1. 13900 Stoney Creek – sale of property

Mr. Jordan advised that originally, his department anticipated a specific piece of legislation to authorize the sale to a particular builder, which was further reviewed by the Law Department. He has done these land banks in other cities. He noted that when a property is in the land bank, it is the result of a foreclosure, it is offered to the city, and taken in. There is a reason for the term bank; it goes in and it goes out. It is not meant as permanently in the City's name. Apparently, when we set up the program, he believed it granted us enough authority, if it met the criteria; as set up by Council. We did receive a bid that meets our specifications. The Law Department is now drafting up the sale documents and our intention is to transfer that out. It is in access to the reserve limit that Council set some months ago. He went on to say that there is not a separate piece of legislation needed for the Stoney Creek sale. Mr. Marnecheck noted that you can do it administratively. Mr. Kelly clarified that the legislation Council passed as referenced, was specifically drafted to provide if a bid came in that was in excess to the appraised value, the Mayor could enter into a contract. Council has already given the authority. But it was in that legislation, not in the underlying legislation, that created the program. Mr. Kelly continued that we have a contract ready. As soon as the successful bidder comes in and gives a signature, the Mayor would sign; it will go to Chicago Title.

Mr. Jordan explained that we are moving forward with the other properties. This is the first sale from the land bank. All of the parcels that we intend to sell on short time have a unique story; why they are in the land bank. We have a couple more parcels, in which we will handle and keep them moving. Part of the sale agreement on this particular parcel is that they actually built a home on it in a specific amount of time. They are going to purchase it and invest in North Royalton. In this case someone will build on it.

Mr. Dietrich shared that he spent a lot of time there. The people are thrilled that this is being sold and a home will be built; with no more high grass etc. He expressed his gratitude that it is moving forward. Mr. Marnecheck asked that this stay on the agenda until the transfer is done. Ms. Barath concurred.

Leave on agenda.

2. North Royalton Storefront Program

Mr. Jordan explained that many people are under the understanding that when we had a storefront program in prior years, it was County funded. People applied through his office; we used their funds. Essentially there were many grants, whereas we were the largest user. Since we were not using the City of North Royalton funds, we did not need to set up a program within the City legislatively. We are legislatively doing this because we are now using the City of North Royalton's general funds.

At the start of Covid, this was one of the things we were considering. However, we decided to withdraw the legislation because our retail outlets needed help otherwise. As the economy recovers, there are funds available and we want them to improve the exterior of the storefronts; which is open to any commercial property within the City of North Royalton. The perimeters of the program were outlined in the handout. They are somewhat similar to what had developed over the years with the County, it has been adjusted somewhat for North Royalton properties. Years ago, for example, it was limited to retail; now it is not. Our predominant number of buildings are not retail. The parking lots have been in and out of the program over the years. In North Royalton, as opposed to other areas, parking is a very intricate part of the commercial experience. The people that we are really trying to aim this at are tenants. You need the property owner's consent. Most of the retail outlets, and the multi-tenant and commercial properties in the Industrial Park are tenants. They do not want to spend more money making it more of an attractive exterior; they rent the building out and that is not a priority.

For this program, if one is willing to go 50/50 with us and make some of those exterior repairs, we can make it more attractive. Typically, any tenant can negotiate with the owner for the remaining part. However, for some, especially in other environments, they do not get around to making exterior changes, such as landscaping. We want a higher quality to attract more investors in North Royalton with the type of structures that we have. They may narrowly meet our zoning code. Our zoning code is minimum based, for example, mow your lawn, no peeling paint, and doors need to be in working order.

Council did appropriate general funds of \$50,000. Mr. Jordan noted that the Mayor recommended that we move forward with the general funds that are available. We will decide whether to use Recovery Act funds at a later point. We believe it to be allowable if it is necessary and will see how it progresses. In past years, we have always exceeded the \$50,000 level. This year, you will notice it is entitled 2021/2022. People can apply, however, some of the exterior work cannot get completed by the end of winter, therefore, it will roll into next year; if it is not spent this year.

Mr. Marnecheck inquired if they need to obtain approval before this is started. Mr. Jordan confirmed. Mr. Marnecheck asked if approval can be given to them before they start the work so that they know they would get the rebate. Mr. Jordan believed it to be a much more stream lined process. The old process was that they filled out the application and he had to forward it to the County; he had to submit additional items with it. However, this is coming to us and we should be able to have a quicker turn around. Mr. Marnecheck raised question as to who would be reviewing the applications. Mr. Jordan indicated that he would be. Mr. Marnecheck questioned the term green sustainable, for clarification. Mr. Jordan commented that developed later on in the program. He noted that some were insulated windows and doors in order to make things more energy efficient. Changing over to LED lights would also qualify.

Mr. Marnecheck raised question as to the defining of what makes it a franchise. Mr. Jordan indicated that McDonalds would be considered as such. He explained that for the owner of a plaza to come in and reface it, would be ineligible. An individual store front would be considered eligible; not the plaza. He reiterated that it is for more individual store fronts; individual buildings. Mr. Marnecheck pointed out that some of the larger plazas could not come in and use this, taking up all of the available fronts. Mr. Jordan concurred. He did not know of a plaza in the City that could not come up with a \$20,000 project. Mr. Marnecheck asked about rules, if we were to redo the program next year, could they can apply again. Mr. Jordan stated there were no current

rules like that. Mr. Marnecheck mentioned that we could encourage businesses to look into a multi-year program to spruce up their facility. Mr. Jordan commented that he is not doing it that way, and he is trying to spread it as widely as we can; for it is a grant.

Mr. Dietrich this is his lead, his proposal and agreement with Mayor Antoskiewicz. He fought hard to obtain this \$50,000 out of the general fund, prior to Covid hitting. Originally, it was conveyed about coming up with all of the rules and regulations, however, in his strong opinion, he did not want it to include parking lots. He wanted to clarify if the funds can go toward parking lots. Mr. Jordan clarified that under eligible projects, it included parking lots situated in the front of the businesses. Mr. Dietrich stated that can be changed. Mr. Jordan agreed that is the purpose of this evening. Mr. Dietrich expressed that he would rather not have parking lots included in this. He would rather the funds be used on something that is going to last a long time to come. He reiterated that he did not want parking lots included at all. He felt with this amount of funds, it would be a waste of money. If the parking lot is not kept up, the land owner would still have to fix it. He would rather see those funds go toward what they were initially intended for, which was for store front.

Mr. Jordan wanted to know how Mr. Dietrich felt about driveways. Mr. Dietrich clarified no drive ways, no parking lots, and that this is intended for the building. Ms. Barath understood that Mr. Dietrich's thinking process was that we already have a mechanism for these owners to take care of the properties, sidewalks, etc., therefore, Mr. Dietrich does not want to see that in there. Mr. Dietrich stated that we can hold them accountable to those conditions. You would have to meet certain conditions and make the building look nicer; which is the purpose of this grant. That was his intention when he brought this forward, when he fought for these funds. He did not want them going toward parking lots, sidewalks or driveways.

Mr. Marnecheck brought up that they could do it under exterior code violations then. He wanted to clarify, if we have a mechanism to force them to do the parking lot, they could still come to us because exterior code violations are listed. Mr. Dietrich requested, take that off as well. Mr. Marnecheck asked if Mr. Dietrich did not want them to be able to be use this for exterior code violations. Mr. Dietrich confirmed no. Mr. Marnecheck pointed out that could be anything. He went on to say that could be that we are asking them to redo the building or the gutters; so now you are carving out things. Mr. Dietrich spoke hypothetically, if you are in violation and you want to use a grant from the City out of the federal grant, to fix what you are supposed to fix anyhow, he completely disagrees. He felt that you should use this to improve the quality of the look of the building, which was the purpose of this. Mr. Marnecheck agreed that this would do that, but also make it easier for individuals to make a high dollar repair; we are helping people with it.

Mr. Jordan indicated that historically, parking lots were not part of it because they take large amount of the money. Discussion ensued as he pointed out what happens with the parking lots when they deteriorate and why; with repeated the process. If you are a tenant, you just fix things for that time. He spoke about how expensive it is to actually replace concrete, such as in the Industrial Park. Mr. Dietrich stated that you would gobble up all of the money for parking lots; we are talking about \$50,000. He pointed out that parking lots are going to go bad again in a short amount of time; this is Ohio. The whole point of this was for the building, something with the outside. If you start doing driveways, it will be gone so fast, and the parking lot will be bad in a few years; you have then accomplished nothing. You put a nice refacing on a building, it can last 20-30 years, which was point of it.

Mr. Jordan commented that this was intended for the frontage. Mr. Dietrich felt that people should be able to look at the buildings and see how much better they look. Mr. Wos concurred with Mr. Dietrich, and felt that the first thing that you see is the front of the building. He would recommend that the money be used for the first thing that pops out when driving by. This whole thing was to make things look nicer. He agreed that there is already a mechanism for them to replace other things. Mr. Marnecheck understood the point that the first thing you see is the building, but he believed that the first thing you 'feel', is the parking lot. He wanted to convey, why not give them as many options as possible. Then they can come to us under exterior code violations if desired.

Mr. Jordan pointed out the challenge in terms of the City's ability to force people to do things; if they do not wish to. He pointed out all of the notices. Mr. Marnecheck indicated that if you have a property owner that wants to be proactive, they should be given as many options as possible. You may have potential tenants that may not want to touch the building because of the parking lot condition. Mr. Wos recalled that if \$10,000 is the maximum that they can take out, paving is very expensive. He shared that his own driveway was \$17,000. Mr. Marnecheck was trying to convey to cast your net as wide as possible.

Mayor Antoskiewicz noted that right now, you are only dealing with \$50,000. If you possibly expand to a certain point, Council has to make some other decisions. Parking lots take up the amount. He pointed out the possibility of putting more money into it for the next budget; but you have to start slow. You are only dealing with \$50,000 here. Ms. Krejci was interested in how many businesses would apply for this at all. Mayor Antoskiewicz noted that we had the most in Cuyahoga County for a number of years. Mr. Jordan mentioned that previously, his attitude was to apply for it all. We wanted as wide of a scope as possible before this, therefore, he had always opposed with the County to include the parking lots.

Ms. Barath understood Mr. Dietrich's fight point, although her main thing is the look of the parking lot, which is the complaints that she receives. Mr. Dietrich brought up perhaps if we were talking about a larger chunk of money right now. He had to fought for this money to allow this, and waited almost two years to see this come to fruition; he dug through the budget. He reiterated that parking lots are so much money. He spoke from personal experience at his company that every two years, lots look terrible. It would not be worth the funds when they will have to be replaced in the near future. He pushed hard for this. He would like to see this money go to the store fronts. Perhaps if we have more later, parking lots can be included. He would leave it where it is on the buildings. Mr. Wos suggested to see how well it is utilized, and come back next year and re-access. As discussion ensued, Ms. Barath was fine with that as well.

3. Foul Language signs

Ms. Barath made mention of an issue with a sign displayed for public view with foul language. Mr. Kelly asked if it was just language, with no photographs involved. Ms. Barath pointed out that it was displayed in an area where children pass. Mr. Kelly explained that he can look at it closely, however, it is very likely to be determined as constitutional; although offensive. The objective of the sign is to express his or her view of the president's politics. Ms. Barath questioned what if it is about one individual. Mr. Kelly indicated that cities have the right to look at signage for safety reasons. However, what they put on a sign is their choice, and the cities have no right to enforce restrictions on content. His view is, as offensive and crude as it may be, someone is expressing a political view and are permitted to do so; if there is a sign in their front yard. Nothing can be done about that.

Ms. Krejci questioned the possibility of passing an ordinance about not having signs on your property with such language. Mr. Kelly shared that this City has been to federal court twice, one in which came out of the Police Department many years ago. In both instances, the federal court kicked us hard. The bottom line was, with the exception of Police, people have the right to express their political opinion and they can do it on their front yard. Mr. Dietrich agreed that it is constitutional and we cannot do anything about it. Mr. Kelly commented that although it is sad, when you cross that line, you violate that person's right of expression under the first amendment. Mr. Dietrich had received a phone call about this sign as well. Mr. Kelly stated that if someone were to put up a sign in their yard that is terribly offensive, and is directed at their next-door neighbor, who is not a political figure, then that is not a first amendment protected right. He explained that there is a distinction. He spoke of content whether it is political; it is protected. It is only possible to go to them if they are talking about their own neighbor, and it is possible to make that distinction. Mr. Wos brought up a similar circumstance that was a store front, whereas that was even protected. Mr. Kelly stated there are many examples. He concluded by saying those are expressions that are protected under the first amendment.

ADJOURNMENT

Moved by Ms. Barath, seconded by Ms. Krejci **to adjourn the September 21, 2021 meeting.** Yeas: 2. Nays: 0. **Motion carried. Meeting adjourned at 8:12 p.m.**