

**BUILDING & BUILDING CODES COMMITTEE MINUTES
OCTOBER 19, 2021**

The Building & Building Codes Committee meeting was held on October 19, 2021, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:02 p.m.

PRESENT: Committee Members: Chair Linda Barath, Vice Chair Jessica Fenos, Joanne Krejci; Council: Paul Marnecheck, Mike Wos, Vince Weimer; 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.

APPROVAL OF MINUTES

Motion to excuse Ms. Fenos from voting on the September 21, 2021 Building & Building Code Committee Minutes. Approval of September 21, 2021 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Ms. Barath. Vote: Yeas: 2 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

Mr. Jordan recapped that at the last meeting Council authorized the Storefront Program. The revised and new application, according to Council's recommendations, is now available on the website. Applications are being accepted for the Storefront Program; a 50/50 program for commercial businesses inside the City to repair or renovate the exterior of their buildings.

Mr. Jordan provided an update on the EV (Electric Vehicle) charging stations. The one at City Hall has been approved, which is a level 3 or a fast charge station. The engineering company that has been hired to oversee the installation has visited the site, in which they took back specifications; included in going out to bid. They believe it is actually going to be a design build. Our grant from NOACA (Northeast Ohio Areawide Coordinating Agency) should cover the full cost of the station. This will be located between City Hall and the tennis court area. They verified that the new service line for that could be established and they will be in contact with the Illuminating Company. They will finish their bid specification; a company will be awarded the project. Regarding time line, Mr. Jordan did not anticipate a charging station until the spring of 2022.

Mr. Jordan indicated that the original charging station should be installed by the end of next week at the YMCA, which is a level 2 charger. The company that is installing the lights at the ball field are also doing the work; they have been on site working. He is waiting to hear back from the electrician on the installation. Mr. Marnecheck brought up the YMCA grant for \$15,000. He asked if we were able to use some of the money received from NOPEC (Northeast Ohio Public Energy Council) Mr. Jordan concurred; we are going over that with the Finance Director. Phase 1 has been completed, and the changeover to LED at the ball field and phase 2 is almost completed. The company that awarded the second phase has not requested any payoffs on the project; they will receive all of their money. We are waiting on them to finish that phase of lighting at York Road ballfields and see what remains. We believe there is money remaining from that grant to cover the remaining portion that is owed; for the EV charging station at the YMCA. The amount of \$15,000 did cover the cost of acquiring the charging station. Only the actual installation was not covered by the grant, which would be covered by the second grant; NOPEC grant.

Ms. Krejci inquired if either of the charging stations would cost the City money. Mr. Jordan indicated it would not. He attended a seminar on it, whereas there does not seem to be any turning back in the automotive industry. They are predicting that around 2030-2035, the majority of cars produced in the United States will be EV cars. For our residents, it would be cheaper to have an EV car if you are commuting to Cleveland from the City of North Royalton. Ideally, as they expand production, the cost of the cars should become cheaper and meet the market.

Mr. Marnecheck expressed his gratitude for the way Mr. Jordan, along with Mayor Antoskiewicz, made certain that this came to the City of North Royalton. He wanted to know if we are in charge of how much it would cost to charge at the station. Mr. Jordan indicated that we are. The charging stations have a kiosk that either through an app or credit card, one can pay. We can recover the cost of maintaining the charging station and the cost of electricity. We are obligated to reimburse the YMCA for the cost of electricity there. This one will have its own service because of requiring more power for fast charging. It will be pretty easy to keep track. Mr. Marnecheck asked if we are allowed to have this generate revenue for the City. Mr. Jordan was not certain. All city governments are only supposed to tax residents for what it costs the City. He felt that technology is changing. While the charging stations may be state of the art right now, in five years we would want a new one. He was uncertain if there would be grants available at that time to replace them. There is an ability to adjust for it and we cover the cost of operating it. They are trying to build some infrastructure to accommodate this new mode of transportation. We did conduct a survey of all City properties and if there are further grants available, we may add them as we go along.

Mr. Marnecheck stated he would be interested if this would perhaps go in the Rec Capital Fund or a fund that we do not use to operate the City necessarily, the General fund; perhaps something that is part of those long-term projects, that we obtain money from. Mr. Jordan commented that is something we could discuss with the Finance Director. We have been clear about trying to recover our costs on operating it. Mr. Marnecheck noted that it could be a nice, one-time fund to put it away for a need. Mr. Jordan commented that it is all about what the general market will bear. There are some cities that do not charge anything for the use of them; which does not help in the market place.

2. 13900 Stoney Creek (Land Bank property)

Mr. Jordan advised that the Law Department is negotiating with the owner on the purchase documents. We drafted them and the owner has to review them and respond. It is just like a normal sale but has not closed. We are the owner and we are selling it to a private individual. The documents have been forwarded to the perspective purchaser. Mr. Marnecheck asked where the proceeds go. Mr. Jordan explained that they are restricted by State ordinance for us to recover the cost of operating the landbank, or any costs associated with the City holding that property. There were some substantial grass cutting costs over the years that have to be recovered, and some administration fees, which would go back to the General fund; then to any of those that lost money in the tax foreclosure. Mr. Marnecheck made mention that he thought the taxes were paid up. Mr. Jordan indicated this one was unusual, whereas he believed there was some tax delinquency. He recalled why we were not pursuing them. Mr. Marnecheck concurred; it was paid by some automatic payment. As discussion ensued regarding the condition of the property, Mr. Jordan conveyed that we eventually got it knocked down, and then leaned it for the cost of the demolition. Mr. Marnecheck noted that the owner had passed on at that point. Mr. Jordan believed so. Those leans may have been the tax in which it was foreclosed upon. The main point that Mr. Jordan wanted to make to Council was that we do not get a check sent to the General fund for the sale. Mr. Marnecheck brought up that we have been cutting the grass for roughly 6-8 years. Mr. Jordan concluded that this would likely be finalized soon; closing may take a little longer.

NEW BUSINESS

1. Moratorium – Small Box Discount Stores

Mr. Marnecheck summarized that roughly a year or so ago, we put a moratorium in place on discount retail locations. He would like to have a conversation about extending that, also to discuss the Master Plan with regard to this.

Mr. Jordan explained that it was one of the tasks of the City Planner to look at this specific issue and if this is effective. The idea of a moratorium is that you would take action following a passage of the Master Plan, and come up with some kind of solution to the issue surrounding it. He had asked the City Planner to review it in

comparison of its effectiveness in other communities. During the pandemic, there has not been a large growth in retail. Mr. Jordan commented that dollar discount stores were a significant part of the last surge in retail, however, it has been scaled back. He would be happy to provide Council with more information about the moratorium.

Mr. Marnecheck believed the moratorium expired once November results are certified, in which we could remove one before it expires. Mr. Jordan concurred. Mr. Marnecheck stated he was thinking to have this in place and have breathing room. Mr. Jordan inquired if we wish to draft legislation to extend the moratorium further, although waiting for the next Council meeting was an option, to see what information could be provided. Mr. Jordan noted that Council could consider it during the gap.

Ms. Fenos questioned the length of time that Mr. Marnecheck wished to extend it. Mr. Marnecheck indicated potentially not a full year, perhaps until June; November – June 2022. That would allow time to get us information and not rush. Ms. Krejci inquired if this entailed only building a new store versus not moving into an existing space. Mr. Jordan agreed. Mr. Weimer shared that he was in favor of it. He agreed to give it more time and see what the Master Plan yields.

Mr. Marnecheck asked if we were at the point of drafting legislation while it is being considered. Ms. Barath asked Mr. Jordan for some further clarification in deciding when it comes to authorizing it. Mr. Jordan conveyed that he would provide information either way. Ms. Barath asked if he could bring forth the legislation. Mr. Jordan agreed, stating that it would not vary much differently. Mr. Marnecheck confirmed that everyone was comfortable extending this until June 2022. Ms. Barath also agreed.

LEAVE ON AGENDA.

2. Master Plan Update

Mr. Jordan explained that there is a proposal for the voters' consideration of changes to the zoning map on the ballot; which is found on the final page of the Master Plan 2021 update. There are four areas in which they have grouped these; the update itself has been approved. Initially, it was managed by the Master Plan Advisory Committee, referred to the Planning Commission, and approved by Council. The zoning map update was authorized to be put before the voters. He felt that it gets confusing for the voters in which there was an article written about it. The Master Plan update is completed, however, only the zoning changes on the zoning map is before the voters. Twenty-five parcels have been acquired by the Metro Parks using State funds; to use them for park purposes. As a result, that is all that could be used on those parcels. Most of them are rural residential parcels, whereas they are zoned that way and are going to be moved to public facility; 25 parcels. There are roughly 5-6 parcels that are being rezoned as part of that update. The majority of them are clean up parcels.

The Master Plan update did review the TCD (Town Center District). It did recommend some regulation changes, in which we are working on drafts, however, it did not recommend an outright rezoning of it. There were around 5 subzones. If you go from North Royalton to any other city, it is unusual to have five subzones. The consultant indicated that developers found it confusing and that we should simplify the code; that is what we are working on. Ms. Krejci pointed out that was not part of Issue 48. Mr. Jordan concurred. He went on to say we have discussed a different way of looking at the central business district, it was clear that it is not going to be retail based. It is going to be more mixed use, likely a higher percentage residential, and a large retailer center.

3. Ballot issue discussion

Mr. Kelly summarized that in addition to the zoning map, there is the proposal for changing the charter, as to an election for Mayor and President of Council. Essentially, this would entail changing the charter to allow for a primary in May, versus a run off in December. We have gone back and forth on that a couple of times. It is

just a change with the suggestion, being that a primary election to narrow the field for those two offices, from multiple candidates to two candidates; non-partisan. It would supplant the existing system of multiple candidates running in the general election, requiring that the winner succeed in obtaining 40 %, plus 1 vote, over all competitors; or in the alternative, the two highest vote getters runoff in December.

Ms. Barath wanted to clarify the cost or fees. Her understanding is that with the primary, if there are other issues on the ballot, then we share in the cost assessed to the City. Mr. Kelly agreed that is correct. Ms. Barath noted if it is a May primary, it is likely to have something additional. Mr. Kelly agreed that usually there is.

Mr. Marnecheck stated there has not been anything on an off-year election in May, in years. He went on to say that it is the even numbered years where it happens. It did not happen in 2019, 2017, 2015, 2013, or 2011 he believed. Mayor Antoskiewicz asked him what happens in December if there is a runoff, who is it that picks up the cost of the run off. Ms. Barath noted that we pick up the entire cost. Mr. Marnecheck agreed that the City would pick that up. Mayor Antoskiewicz stated, 100%. He continued that Mr. Marnecheck has failed to say that when discussing this. Mr. Marnecheck agreed with his point pertaining to cost when asked, however, the point that he wanted to make is if you look historically, there are not elections on off years in May, nor have we had a runoff since the system was put in place. Mayor Antoskiewicz agreed that was correct. Mayor Antoskiewicz went on to ask how many times have we had more than two people running. Mr. Marnecheck commented in 2011 and 2019, that would have been twice. There was one where three people ran for Mayor, three times where there would have been a May primary that the City would have picked up the full cost. Mr. Marnecheck had spoken to the Board of Elections, that indicated in those two years, there was nothing else. He continued that if the City would have had a May primary, the City of North Royalton would have been responsible for the full cost; those two years. The Mayor responded, the same as if somebody would not have got the 40%, that there is no difference. Mr. Marnecheck concurred, stating however, everyone has always gotten that and Mayor Antoskiewicz has obtained the 40% twice. The Mayor pointed out that he is not going to run all the time; at some point he is leaving. Mr. Marnecheck understood that.

Mr. Marnecheck wanted it to be noted that if this system had been in place, the City would have picked up the full cost for two elections, and there has never been a run off since 2008. Mayor Antoskiewicz expressed that is not the principle, that part is correct, however he felt that Mr. Marnecheck was assuming that is the way it is always going to be. Mr. Marnecheck clarified that he is basing this on historical precedent.

Ms. Barath brought up the other item, which is Issue 50. This is the charter amendment where Council would be able to have someone on the Charter Review Committee. Mr. Kelly explained the proposal is to revamp the Charter Review Commission membership itself and/or call for a collaborative experience to resolve differences between what the Charter Commission proposes and what a majority of City Council expresses a desire to see. The theory is if there is a dispute between a majority of the members of City Council and the Charter Review Commission, as to any specific proposal, that there be a collaborative experience; an opportunity presented for the resolution of that dispute in a way that would formulate an agreed upon language to be submitted to the voters.

4. Retention / Detention Basin

Mr. Wos mentioned that he brought this item up in the past. He attempted to do a draft, in which he sent over. Mr. Kelly stated that Mr. Reisz, Mr. Haselton, and himself have been working on the language in making efforts to fix an appropriate location in the code for the question of the aeration of the detention of retention basins, and the placement of the catch basins throughout every new subdivision, as well as every rear yard; in order to attempt to avoid the problems that we have seen throughout the City. It is being worked on.

Ms. Krejci asked for a recap. Mr. Wos summarized the two parts. In building of subdevelopments, retention and detention basins can be placed onto parcels in which a house can be constructed on and sold. There are

numerous examples of that in the City currently. He shared that one of the members of the Planning Commission has that scenario. She has a retention basin on her property; however, it is the HOA's (Home Owners Association) responsibility to take care of it; and becomes an issue. HOA's experience changes, including having different people sit on the board. Mr. Vos explained that there have been cases where there is a question of who is responsible, especially where there is a five-unit subdevelopment exception. We have seen where developers will pigeon hole retention/detention basins onto a lot; so, they can squeeze in a small development, and then they can sell the house. He went on to say that Ms. Schroeder had done some research, in which a lot of cities have closed that loop hole. Their ordinance indicates that a retention or detention basin must be placed on common ground that has an easement, therefore, there is access to it; but it cannot be made part of private property. It is clear and defined that this is common ground. This is the responsibility of the HOA. On the other side of things, it could possibly set more land aside in a new subdevelopment, because this cannot be made retroactive. Mr. Vos pointed out there would be potentially more land set aside for the water management, which we have issues with.

Mr. Vos discovered that some of the current subdevelopments have had complaints on the locations of the retention basins, those that are filled with water at all times; they have problems such as mosquitos. When you introduce things such as fountains, for example, it helps to reduce those things; it helps with vegetation. He talked about some developers in North Royalton, such as Brookhaven Drive in ward 6, in which the developer built. There was a retention basin in the front and he put in a fountain. He suggested making that a requirement as well when constructing any new subdevelopments, to have something powered there that would keep the water from being stagnate. Mr. Vos explained that it is two proposals.

Ms. Krejci mentioned that she has retention and detention basins issues often in her ward; this could be very worthwhile. Ms. Barath agreed. Mr. Vos stated that he, and the Law Director would work on this, and the Building Department can work on engineering.

LEAVE ON AGENDA.

Ms. Fenos inquired about any update on the Carrie Cerino's property. Mr. Jordan indicated that it has not closed to his knowledge. There is a purchase agreement that has been signed, and a prospective purchaser contacted him; they are to close shortly. He noted that they are going to continue to operate it as an event center. Mr. Jordan did indicate that he thought it was in need of significant reinvestment. The prospective buyer had conveyed that was his intention.

ADJOURNMENT

Moved by Ms. Barath, seconded by Ms. Krejci **to adjourn the October 19, 2021 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 6:40 p.m.