

**BUILDING & BUILDING CODES COMMITTEE MINUTES
MAY 17, 2022**

The Building & Building Codes Committee meeting was held on May 17, 2022, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:02 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dawn Carbone-McDonald, Joanne Krejci; **Council:** Paul Marnecheck, Mike Wos, Linda Barath, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, Economic Development Director Tom Jordan, Assistant Law Director Donna Vozar; **Other:** Michael McDonald, Fred Schriever, Joel Spatz, Carmella Carile, Nathan Manson, Peter Caram, Art Caram, Connor Stafford, Sheri Stafford, Robert Moore, Christen Moore, Camryn Spuzzillo, Kelly Spuzzillo, Ethan Carnavan, Andrew Ferenchak, Allison Krzynicki, Rylie Haynes, Elijah Likowski, Madison McIntire, Ian Murray.

APPROVAL OF MINUTES

Approval of April 19, 2022 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Ms. Carbone-McDonald. Vote: Yeas: 3 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

Mr. Jordan reported on the Abbey Road development, whereas himself and the Mayor attended the progress meeting that was held at the Waste Water division, relative to the Abbey Road force main and gravity sewer extension; and upgrades to Plant A and B. They looked at a few different alternatives to how that gravity sewer would flow and what additional land would be required. They are on their final three alternatives on the alignment. The Mayor and he had some input in it. We are still hopeful that they will select an alternative after further price estimates are made. We will be out to bid by the end of the year on that. Once they do that, we can give some level of assurance that a sewer would be available for a new development to tie into; the major property owners on Abbey Road.

An application was submitted to the Federal Government under the Appropriations Act, to fund the internal roadway system; similar to what is done on the other side on York Alpha park. Of all of the grant applications that were submitted through the Federal process, that was the one that received the most attention. We are hopeful on that appropriation. We will not know anything until late this year. The plan for the gravity sewer is being developed. The funding for the roadway system is pending before the Federal government. There has been some movement on the property ownership on the road, and he has been working with some of the property owners about some possible development there. That is the largest project that we have moving forward. The next step for Council would be, approving the sewer plan, sharing that with the large stake holders there with the new time frame, and if the Federal government comes through and pays a lot of the road way system, that relieves the City of the obligation of trying to fund it. Those road way systems are like a sub division, not paid for by the State or the County; the City would have to install them. They typically are installed with some level of assistance from the State or the Federal government; however, the City accepts the difference. As much as we can capture from the other entities; the preferred alternative which is what we are seeking to do.

Mr. Jordan reported on the Store Front Renovation Program, whereas we have seven approved applications. We have about \$15,000 remaining. Mayor Antoskiewicz had indicated if he went any lower that we may come back for a further appropriation. He does have a few people looking at the program and getting their quotes together. He does have some funds still available for the program.

Mr. Dietrich asked about getting updates to who is utilizing those, where the money goes, and what it is being used for. Mr. Jordan indicated at the next Council meeting he could read the ones that are approved, and what are the improvements; he would send Mr. Dietrich an email.

Memorial Park Update

Mr. Jordan spoke of the construction fences there, whereas the first phase was the Memorial Park Pond Bridge; the redoing of the banks and naturalization. It has been completed. The upper pavilion has been constructed and is there. There will be a walk through tomorrow with the design engineer and the contractor to check on finalization. This was roughly \$264,000; that will be finished within the next couple of weeks.

The second project, the upper pavilion, is in the work zone of Project 2; which is the Splash Pad and Shade Structure. The Splash Pad contractor is on site and there was a Progress Meeting this morning. The site work for the Shade Structure and prepping it for the Splash Pad is under way. They have located all of the electrical, sanitary and storm sewer. They broke up the floor of the structure where the pump will go, all in preparation to start putting the underground piping necessary to get the Splash Pad running; by mid-July. The grading seen there is for the pad itself; and also, the shade structure.

School is currently out of session. We are about two weeks away and the park is not that busy. The bathrooms are now closed, in which we have temporary porta potties for the public to use. They are welcome to come into City Hall while it is open during the day; for restrooms. We have to be cautious with the kids wandering into the construction area. We are seeking additional funds whereas we received about \$100,000 toward the Pond Project from the State of Ohio. We will get that reimbursed to the City this year. We also applied to the State of Ohio for the Splash Pad, in which we hope they may come through this year for that amount. We also are applying to Cuyahoga County to help us fund the remaining projects there that are ongoing at Memorial Park. We are hopeful to hear by the end of 2022, whether or not the State and the County money will come through. The origin of all of those funds is Federal money.

Mr. Nickell inquired about Community Gardens. Mayor Antoskiewicz indicated that would be later in the future. That is probably one of the last projects; where the community gardens would be moved to another location.

Ms. Krejci asked about the potential date for the Splash Pad. Mr. Jordan explained it may be mid-July, however, with a July 4th deadline.

NEW BUSINESS

1. Stoney Creek Property

Mr. Marnecheck recapped that about ten years ago, the City condemned a house on Stoney Creek Drive; knocked it down, whereas it has been sold.

Mr. Jordan indicated that we used County funds to demolish the house. Eventually, no one paid their taxes on the property; no one claimed it. We received it under the tax foreclosure process. The City put it up for sale and it was purchased by a home builder who promises to build a new home there; under the agreement, within two years. Mr. Marnecheck inquired about the sale price. Mr. Jordan clarified that it was sold for roughly \$77,000.

He noted that Ms. Esarey did extensive research to find out under the State code, how people lost money when the taxes were not paid. Essentially, we have to file the State code and repay those entities that lost money. Then we also have an ability to recover money for all of our time; all of the departments that touched this process. He spoke about us having mowed the lawn, putting liens against the property etc. Therefore, we will

hopefully be able to recover that. We also have to abide by the State code and repay the entities that lost money in the tax foreclosure.

Mr. Nickell inquired about the funds, whether they go in the General Fund. Ms. Esarey mentioned there was no fund that was required. The auditors confirmed that, which she worked extensively with. There is no statute that allows for creation of this, it is a one-time type of deal; a new line item was created for both the revenue and expense so it can be easily tracked.

REMOVE FROM AGENDA

2. Fences

Mr. Nickell made mention of a new resident with a newer type of fence. He had called the Building Department and learned that we do not allow that type of fencing. Mr. Jordan commented that the Building Commissioner did believe that the type of materials is of more temporary in nature. His decision was that under the current code, he would not issue a permit for this particular fence. Mr. Jordan indicated there is a process for anyone to follow in the event that they do not like the Building Commissioners decision; which is to appeal to the Board of Zoning Appeals. They could possibly apply the variance and allow the fence to move forward.

Mr. Nickell noted that he looked at the code. He inquired about any possible desire to formally change a fence code that may allow newer types of fences; any possible revisions with our ordinance. Ms. Vozar referenced an ordinance that included that when they specifically state, "which are permitted fences"; in which it lists 15 fences. Also, it indicated that it was amended in 2015. She commented that perhaps we can look at what those changes were in 2015, if you want to look at reviewing or any potential revisions.

Mr. Jordan stated that if this was a frequent issue, then we could look into it and try to codify it. However, our codification of all of our fences, cannot cover them all. Ms. Barath mentioned that it is likely a case-by-case basis, when it comes to going to the Board of Zoning Appeals. Ms. Vozar pointed out that when someone appeals the Building Commissioners decision to the Board of Zoning Appeals, the standard is clear and convincing that he abused his discretion; it is a higher standard than normal, to clarify.

REMOVE FROM AGENDA

3. Recycle Bag Opt Out – plastic bag ban from county requirement

Mr. Nickell explained that Cuyahoga County is forcing the cities back to using no plastic bags, and they want you to use your recycled bags; many residents do not like it. He mentioned that paper bags have a cost. He had asked the Law Director about any recycle bag opt out for North Royalton.

Ms. Carbone-McDonald asked if Cuyahoga County is the only county that has the ban. Mr. Nickell was uncertain. He knows that Medina is not doing this. Ms. Krejci commented that it is annoying about the bags. However, if we say that we are going to opt out, that means the retailer could use the plastic bag; that does not mean the retailer has to. Mr. Nickell stated he supports giving people choices in our country.

Mr. Marnecheck asked if Giant Eagles outside of Cuyahoga County still give plastic bags, or did they make this decision independently. Ms. Barath explained that after speaking to the Manager at Giant Eagle, he contacted GE Corporate, which conveyed regardless of what we do, they are not bringing the bags back; they are in favor of the ban. Mr. Marnecheck wondered if this would be for the smaller stores, or is Giant Eagle going to do their own thing; regardless of our decision. Mr. Nickell talked about retailers having to pay for bags. Mr. Wos pointed out that Kroger made the same decision, in other parts of Ohio; they are eliminating plastic bags as well, on their own.

As discussion ensued, resident Fred Schriever, of 10282 Foxwood Drive, came forward. He brought up that Kroger has actually decided to go back to plastic bags in Cincinnati; therefore, with no guarantee. He wanted to talk about why we would want to not have plastic bags. He understands about the oceans etc., but the plastic in the oceans is from us; that has been researched. He went on to say that paper bags are not environmentally friendly. You have to reuse that paper bag four times in order to have an improvement over the plastic bags environmental effect. He talked about a law passed in 2020 roughly, by the Ohio Legislature that was suppose to prevent Cuyahoga County and others from making banning laws. It passed, and then the pandemic happened, in which Cuyahoga backed out. He does not know where the State stands. He stated that the Senate of Ohio snuck in their budget, a provision that prevented Counties from creating these banning laws. He was unable to find out if it has been passed. Mr. Nickell indicated that the State of Ohio has legislation to prevent cities from banning them, because some cities have banned them. Mr. Schriever discussed why the alternative may not be better. If you use a cloth bag to get your groceries, you must use it 131 times in order to duplicate the environmental effect of one plastic bag; according to Mr. Schriever. The plastic bags that people do not like are made from oil processing waste. His concern was what will we do with the waste if we do not make plastic bags. He feels that the alternative is not helpful, until someone comes up with a plastic bag that is biodegradable. His opinion was he does not see trying to put a patch on it. Mr. Nickell made mention of the desire to have the Law Department possibly draft some legislation to have the opt out from the County, pertaining to plastic bags.

Mr. Dietrich was torn on this. He spoke about when Cuyahoga got involved, this was a pre-Covid situation. Some of the local businesses actually started using biodegradable bags; that could be an option. He is actually aware of a business that used biodegradable bags. He is in the middle on this decision.

4. Moratorium expiration: Small Box Discount Stores in all zoning districts (request dated May 5, 2022 to add item from Committee Chair Nickell)

Mr. Jordan indicated that the Law Director has been out, and the City Planner asked for his input on a proposed solution that we will discuss internally next week after his return; we would get back to Council.

Mr. Marnecheck questioned what direction Mr. Jordan was going. Mr. Jordan commented there are ways of managing specific uses within the district in the zoning code. Mr. Nickell recapped when Dollar Tree was attempting to go on State Road near Royalwood area, that we agreed that was not a proper parcel for that; even though it was zoned commercial. He reiterated it was not the right location.

As discussion ensued, Mr. Jordan commented that he did meet with the developer. We did require more masonry on the structure, and they had felt that the tenant would not pay the increase in rent. The Dollar Store, in that instance, was a developer out of Akron who builds most of the store. They refused to pay the increased rent that would meet our masonry requirement on it. Mr. Nickell noted that these stores have very specific models of what they are going to pay or lease. By us requiring a nicer envelope, it was more expensive than that they wanted to do.

Mayor Antoskiewicz encouraged to give a chance for them to get together, Mr. Jordan and the City Planner, and put something together; and send to Council for discussion, and decide. Mr. Nickell mentioned he was not in favor of any restrictions. He felt that we had enough zoning codes and laws on the books. He felt the stores do provide a service.

Mr. Marnecheck understood the point of Mr. Nickell however, he thinks it is also important to think about what we envision for our Town Center. Ms. Krejci commented that if we choose not to, we should have building codes that would ensure that what goes into our Town Center looks good, and has a certain image. As long as we are doing so, she would not want to discriminate against what kind of business can be inside. Mr. Nickell concurred.

REMOVE FROM AGENDA UNTIL FURTHER NOTICE

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the May 17, 2022 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 6:38 p.m.