

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
JUNE 21, 2022**

The Building & Building Codes Committee meeting was held on June 21, 2022, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:39 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, Finance Director Jenny Esarey, Law Director Thomas Kelly; **Other:** Michael McDonald, Fred Schriever, Joel Spatz, Patricia Lamb.

**APPROVAL OF MINUTES**

Approval of May 17, 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**

Mayor Antoskiewicz indicated that there was a report e-mailed by Mr. Jordan. See Report.

Ms. Krejci mentioned that the Splash Pad was pushed back. Mayor Antoskiewicz explained that the pad itself may not require more time, however, the Shade Structure may be delayed. Ms. Carbone-McDonald inquired about the time frame. Mayor Antoskiewicz hoped that the Splash Pad would be ready roughly, mid-July. It was likely that the Shade Structure would not come in until toward the end of July. He noted the fact that there are delays with many things ordered in the last year. We plan to get it up as soon as it arrives. The Mayor did not want to delay everything; the Splash Pad can be open beforehand.

Mr. Nickell referred to the report and pointed out that there were several businesses that acted on the North Royalton Store Front. A lot of businesses are taking advantage of up to \$10,000; to spruce up their signage, landscaping, fencing, etc. Ms. Krejci raised question regarding our total amount available for that yearly; for the Store Front. Mayor Antoskiewicz clarified that it was \$50,000, with the additional \$25,000 added. We were receiving a lot of applications. Ms. Esarey added that the maximum number per application was \$10,000. Pertaining to the budget, there was no specific maximum. Council did approve the amendment for the extra \$25,000.

**2. Memorial Park Update**

See Report.

**3. Splash Pad**

See Report.

**4. Recycle Bag Opt out – plastic bag ban from county requirement**  
• **Proposed legislation**

Mr. Nickell briefed that the legislation allows our retailers to opt out of the plastic bag ban if they so choose. Ms. Carbone-McDonald shared that what she is hearing mostly from her residents, is they do not want to ban it. She felt that it makes no sense to ban plastic bags and everyone should have the option.

Mr. Nickell moved to recommend this ordinance to Council for approval. Seconded by Ms. Krejci. Yeas: 3. Nays: 0. **Motion carried.**

## **NEW BUSINESS**

### **1. Solar Panels**

Mr. Vos indicated there was a resident couple here to speak. Basically, they wanted to put a solar panel in their back yard, which would be a stand-alone; mounted on a post or a pole. This was denied by the head of the Building Department. Mr. Vos commented that we do not have anything in our ordinances that really conveys one thing or the other. He believed that the Building Department had some concerns about things such as, live wires and what kind of setbacks you would have from a visible perspective; if your neighbor dislikes it, etc. Mr. Vos felt that perhaps we could codify it and explore what other cities have. Broadview Heights allows it and they have an ordinance, in which Ms. Schroeder obtained.

Mr. Marnecheck inquired about what that ordinance says. Mr. Vos explained it would simply codify the use and installation of standalone type solar panels. Ms. Krejci asked what it would look like. Mr. Nickell commented that he did not have a problem with solar panels; there is a place for them. He felt that as long as they are out of site of the main street, most people probably would not cause any hassle about them.

As discussion ensued, Mayor Antoskiewicz suggested that since no one really had the chance to review the legislation through e-mail, it would still need to be read and looked at. He would like to ask the Building Department their reasoning for denying it. We need to do a little more research. The Mayor felt that it needed to be discussed more at this point, then at the next meeting when everyone has looked at the legislation, see if Council wants to move forward or not. Mr. Vos conveyed that the e-mail was sent on Wednesday and he would forward it to everyone to ensure that everyone receives it.

Mr. Nickell commented that the solar panels are pretty simple; they are not a windmill, or turbine. Mr. Marnecheck mentioned that we looked at this years ago in a committee. Mr. Nickell concurred. He felt the residents may have more problems with a stand-alone type than those on a roof or shed.

Resident Patricia Lamb, at 14055 Florence Lane of Ashley Woods Development, lives outside of the HOA. She stated that they are looking into this, not to cut expenses like most people would think. It is more about availability. The Commissioner said that it was for safety reasons. She went on to say this is tens of thousands of dollars to make this investment. Secondly, the companies that you hire to do this are more than qualified; commercial electricians. There are no wires hanging anywhere, they are all underground. Be assured it is not a hazard situation. You have to look at it more as preparedness, if the grid were to go down. Food costs are rising, we are not sure if there is going to be food on the shelves. Herself, along with her husband Greg, are in the insurance industry and think about risk management. They are trying to think ahead. This is a lot of money to invest because of the way their house is laid. The panels on the roof are not as effective. For their application, putting it on the mount would be best. For them, they have a grinder pump, they do not have a sewer system. Without electricity, they cannot flush a toilet or run water; there is nowhere for it to go. They would be relying on this solar to provide their home with electricity. In their case, they are going to use it primarily. We are in unprecedented times and this is something they want to pursue.

Mr. Vos brought up that on the hottest day last week, Ward 6 had a four-hour power loss. The resident agreed that there will be more of those and they are just trying to be prepared.

Ms. Barath asked what the resident was told, as far as the reasoning that they cannot have it. Mrs. Lamb explained that the company that they are hiring is called Revolt, and they are known to provide home owners with this kind of solar. This one allows a home owner to be off grid. If the grid really were to go down, they have electricity. That company called the Building Department several times, whereas first, they were told yes; then they were told no. She felt that the Building Commissioner seemed like he did not feel that they

were safe. As a homeowner, they have a family and want their family to be safe. They certainly do not want to be ill after this, and she does not want to impose any ill will on any of their neighbors. She has checked everything that she could check. She reiterated that the Building Commissioner just felt they are not safe.

Mr. Vos went over an e-mail from Ms. Vozar, in which he quoted the following: I have discussed this matter with the Building Commissioner. He is of the opinion that ground mounted solar systems are not a permitted accessory use. You are correct to suggest that a resident could appeal his decision at the BZA (Board of Zoning Appeals). Other communities have ordinances on ground mounted systems, which may be advisable for us to look into. Mr. Kulchytzky is of the opinion that a ground mounted system could be an inherent electrical risk as it is always active. He believes they are permitted. An ordinance would need to address the safety, structural location, and potential out of character for a residential neighbor who had visual nuisance aspects, which may require additional set back and fencing requirements.

Based on that, this was also the opinion of Mr. Vos. He forwarded everyone the law from Broadview Heights, which actually covers a lot of these things. The resident, Mrs. Lamb, commented that she has been doing some checking. She spoke to Independence and they do not have anything in their ordinance. They had said if the homeowner feels that they need to do it, then they need to do so. She continued that sometimes you do not need an ordinance for every little thing. If she was part of an HOA, she would realize that she is stuck by those bi-laws; she gets that. However, she is not in an HOA. This is not like a swimming pool or something that is going to give pleasure per say, it is going to give them the right to live in their house this way.

Mr. Nickell was not opposed to it, but if we do not have legislation, one could go to the BZA to see if they would overrule that ruling. Mrs. Lamb stated she has an application and will submit it. She pointed out that pertaining to the safety, she also talked to a lot of people that have the solar panels, ground mount, and they are on arms. They do not harm animals, and if it did at all, they would not want this.

Mr. Vos felt that we would need to do a little more homework. Mr. Kelly indicated that he has had some contact with this subject. His understanding was that while Mr. Kulchytzky had some concern about the safety aspects, as he does about everything, the major hurdle here is that he used this as an "accessory structure". Because of that, if you already have an accessory structure, you cannot do it. If it is multiple platforms, he was unsure what it looks like. He questioned Mrs. Lamb if their contractor made a formal application. Mrs. Lamb explained they were trying to find the company. The company they were hiring wanted to know what was the next step was. Mr. Kelly indicated that they should come in and make a formal application for a permit. If it is turned down, then she can move to go to the BZA; have it heard in front of the Board. Mr. Kelly commented as a practical matter, there is a formal procedure that is laid out, and if you follow the procedure, he was certain that the BZA would give a good hearing. He felt everybody has a certain interest in seeing this kind of alternative energy. Mrs. Lamb was appreciative and agreed to do so.

#### **ADJOURNMENT**

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the June 21, 2022 meeting.** Yeas: 3. Nays: 0.  
**Motion carried. Meeting adjourned at 7:00 p.m.**