

**BUILDING & BUILDING CODES COMMITTEE MINUTES
FEBRUARY 21, 2023**

The Building & Building Codes Committee meeting was held on February 21, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:43 p.m.

PRESENT: **Committee Members:** Chair John Nickell, Joanne Krejci; **Council:** Paul Marnecheck, Linda Barath, Mike Vos, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Finance Director Jenny Esarey, Law Director Tom Kelly, Fire Chief Robert Chegan, Police Chief Keith Tarase; **Other:** Ken Krejci, Vince Weimer, Cathy Miller, Heidi Michalske, Ray Michalske, Marilyn Borzy, Jessica Fenos, Joel Spatz, John Higgins.

APPROVAL OF MINUTES

Approval of January 17, 2023 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Mr. Nickell. Vote: Yeas: 2 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

See report.

Mr. Smerek reported on the Gray Matter location, whereas it has received partial occupancy. The power has yet to be completed. There are extensive electrical components, servers, cooling towers, and transformers etc., that are back ordered. They are just waiting on those to arrive. The Fire 45 exterior improvements are roughly 95% complete, and the interior improvements about 90% complete. Final inspections are scheduled for early next week. Ms. Krejci asked whether there was a potential date set for opening. Mr. Smerek clarified there is no date yet.

Mr. Smerek advised that the former Carrie Cerino's was sold, in which we have spoken to the new owners. They want to operate a similar event center and are planning some interior improvements. No permit or applications have been filed yet. The former Tonight Tonight property has been on the market for years, in which there is an interested buyer. However, the property still has not transferred, but is pending. The vacant property at the corner of Wallings and Ridge Road has been sold. We have not received any updated conceptual plans for the property. Burger King closed in the Town Center District. We understand that the franchise owner recently filed for bankruptcy. The owner has indicated that he intends to lease the space. The Mr. Divots property on York Road has also been sold. The new ownership of the property has been transferred. The intent is to maintain the existing use while performing necessary improvements to the existing structures. They will be scheduled to go before the Planning Commission in early April.

The City is still working with the developer to make land available for industrial development. The City also owns land in the Industrial Park. We are waiting for information on the sewer project on Abbey Road. There is a four-lot minor subdivision proposed for the end of Sherwood Trail. The property received preliminary site plan approval; however, the developer is considering changes to the preliminary plans. There are at least four different residential developments that are in a conceptual stage to be reviewed by the City. The proposed subdivision located near Sprague and State Road is scheduled for the March Planning Commission meeting. The project will be seeking preliminary site plan approval for twenty single family cluster homes. Mr. Nickell asked about what it would entail, when it comes to permission from Parma for the entrance. Mayor Antoskiewicz did not believe that it happened. Mr. Smerek explained that Parma does not want to be a part of it; Parma is out. Mayor Antoskiewicz noted that they adjusted their plan. Ms. Krejci inquired if there would have been an entrance off of Sprague Road. The Mayor agreed. Mr. Nickell asked where it would be now. Mayor Antoskiewicz indicated that he has not seen the plans yet.

Mayor Antoskiewicz shared that we received the \$2M dollar appropriation grant for the York Beta Industrial Park extension; through HUD. We received an e-mail from HUD, which indicates that we would receive more detailed information by the end of February. We met with Representative Miller and the staff. We explained it to him, since it happened prior to him being in office. He continued that it was from the last Congressman, in which we received the appropriation. Representative Miller had conveyed that his staff was ready and willing to work with us to make sure that we obtain those funds.

2. Memorial Park Update/Splash Pad

Mr. Smerek explained that the next phase is to install the 10 foot wide All Purpose Trail. It is currently moving to the design stage. The City has received the \$1M grant from Cuyahoga County to cover the cost to implement the Master Plan; including all of these phases. The City was awarded \$200,000 from the state of Ohio for the All Purpose Trail. The City has drafted and signed the agreement. The state of Ohio is still reviewing the agreement and it will be returned to the City once it is approved. The next step is to get the design work under way. Ms. Krejci asked about the timeline for completion on the trail. Mayor Antoskiewicz clarified that it would be this year.

Mr. Nickell asked about the layout of the trail, whether it would go up where the apartment property is; the property line. Mayor Antoskiewicz explained that we have actually shortened it for now; to get it rolling, Mayor Antoskiewicz went over the plan, in which the trail would go up and then near the bathrooms; cutting across, and coming down where the sidewalk is, and behind the lake. The original plan had it going all the way around the baseball fields and down to school property. His only concern was that there are a lot of athletic events there. He felt that we really would not want people walking and running during a lot of events, which is partly why we shortened it for now. He felt it makes more sense at this time, and if we want to extend it or do something later on, we can do so.

Mr. Smerek explained that we received a \$33,000 tree canopy grant from Cuyahoga County; Healthy Urban Tree Canopy Grant program. Mayor Antoskiewicz added that they are difficult to see with no leaves on them yet. There are roughly fifty trees that we have planted at the park. Mr. Marnecheck asked whether all of the money has been spent from the grant. Ms. Esarey indicated it is a reimbursable, which we have not received the reimbursement yet. Mayor Antoskiewicz clarified that we used the money. Mr. Marnecheck mentioned the deadline of June 1st. Ms. Esarey believed that they applied, however she did not believe they have reimbursed us fully yet.

Mr. Smerek reported on the staffing at the Building Department, whereas both full-time inspector positions have been filled. Mr. Nickell asked about the landbank parcels. Mr. Smerek indicated that the City is also considering marketing some of the larger vacant parcels from the land bank, and we plan to put the vacant land bank parcels on the City website.

Mr. Nickell asked about the Splash Pad, as to whether parts have been received. Mr. Smerek explained that when he last went to the site, it looked like everything was attached. It did not get turned on this year. He is looking forward to having it turned on before May 26th. Mayor Antoskiewicz added that we did not receive the cover for the chlorine tanks yet; we are waiting on that.

3. Senior Center

Mr. Kelly advised that he, along with the Mayor, Ms. Vozar, and Ms. McLaughlin, met together earlier this past week and discussed the procedure. Bricker has given us a road map per say, for how we need to go about it; we are moving. Sometime in the next six weeks, we should see something in the way of an effort to secure the appropriate architects.

4. Medical Marijuana

Mr. Nickell moved to remove Medical Marijuana from the Building and Building Codes Agenda, seconded by Ms. Krejci. Yeas: 2. Nays: 0. **Motion carried.**

NEW BUSINESS

Ms. Krejci requested to add a new item, now that the Food Truck Legislation has been out for a couple of years. She would like to add it to the agenda so that we can review the legislation and perhaps make some small changes; some of the language seems to be unclear. There were some comments from a resident that she would like to forward to everyone pertaining to this. She mentioned that there have been some concerns from the Chief as well, about some of the language. There is a resident here to speak on this as well.

Ms. Krejci moved to add Food Truck Legislation to the Building and Building Codes Agenda, seconded by Mr. Nickell. Vote: Yeas: 2. Nays: 0. **Motion carried.**

Resident Cathy Miller, of 10669 Devonshire Drive, had emailed several people regarding food trucks. She believed they are the only location that has this ordinance in effect; it is not very effective at the moment. She felt there needed to be some language added to the ordinance. One, it mentions "limited mobile food services." She felt that needs to be defined. The business there is planning to have five food trucks within the next four days. She mentioned that back when it was with BZA, when they had come to Council to discuss their business, they indicated that they were not going to have food trucks with generators; in 2019. Unfortunately, when that was conveyed, everyone went by that information. However, they use generators all the time and they are very loud. Also, with the distance being set at 75 feet from the property line, sometimes she can pull in her driveway and know there is a food truck running on a generator there. This is the way the law currently reads. It discusses limited use permits, and they talk about three days a week for the trucks at a certain business location. When she is observing five trucks in four days, it can be interpreted differently; the way it is written. It is more on the truck than the business itself and it needs to be clarified. Five food trucks in four days is not really considered as limited.

Mr. Nickell asked if they are bringing multiple trucks in at the same time. Ms. Miller agreed; yes. Ms. Miller spoke about the times they plan to be there. She did not believe the intent was to have two separate trucks at two different, four-hour intervals; she has read through the past meeting minutes again. Ms. Krejci agreed that was not the intent. Mr. Nickell commented that if they did not have generators, you would not even know they are there. Ms. Miller agreed; probably not as much. The problem is that the generators are so loud. Also, if anybody is on the patio at the site, everybody is speaking above it to be heard. Unfortunately, it was not put into the law for no generators within so many feet from a residential property line. She felt that it needs to be changed. She noted the business had indicated they were going to put in a 220 line, which she was not sure where that stood. That was conveyed in August; as of November, it had not been done.

Ms. Krejci raised question about permits. Mr. Smerek clarified that a permit would be required to install a line, in which they had not gotten a request. As discussion ensued, Mayor Antoskiewicz stated the original plan was asked and answered a couple of times during that Planning Commission meeting about food, which there was no plan for food. The company communicated that they were not worried about food at the time, however, they seem to have changed those plans.

Ms. Krejci noted that the timeline of the trucks needed discussion. Chief Chegan explained that our issue was to make it a calendar year. Logistically, it was difficult for us to maintain the inspection list with dates that would start in June, July, or August; to rotate. Mayor Antoskiewicz commented that we were requesting January to December. Mr. Dietrich wanted to know if they are not inspected, whether or not they are supposed to be there on the property. He inquired about who is monitoring that; we need to know who's job it is. Mayor Antoskiewicz commented that we do some times, primarily on the weekends. Mr. Dietrich suggested that after approval from the Fire Department, they should have to display a permit outside of their truck; perhaps as a magnet. Chief Chegan indicated that is already in place. After the inspection, they are issued a

sticker. The problem we have had is, it was for the calendar year; that was the initial intent. He was not too sure how it got changed, however our initial request was for the calendar year. We based that off of many other cities. When we did this legislation on behalf of fire prevention, we looked at major cities and largest suburbs; such as Mayfield Village. They had a lot, because of the office buildings they had in their city; we researched it a lot. The trucks have many stickers on the back of them, because they usually have to get one for every city that they participate in.

Mr. Dietrich questioned if this was something that the Fire Department could potentially check on, or Police, to ensure those permits are displayed. Chief Chegan felt that it probably would be too much on the department, because that is more of a fire prevention, which is just like our Building Department inspection process. That's more of an 8-5 job; he does think that it would be complaint driven. If there is an issue, we could go there.

Ms. Krejci brought up violation complaints. In the end, that would be for people who do not have something displayed. However, she wondered if complaints of one violating the ordinance would go to the Police Department. Mayor Antoskiewicz noted that we have in the past. They have been up there a few times for complaints of loud noise. Chief Chegan stated if it is a complaint regarding the food truck itself, he believed that they may perhaps, send the Lieutenant out; if it was complaint driven. He is not going to bring in his Assistant Chief. He reminded everyone that Fire only has a part time inspector on the weekends. He pointed out that the food trucks come to us and they could go anywhere. They do not have to specify the date and time when they come in early in the year.

Mr. Nickell asked hypothetically, if someone was concerned and they were to call the police about not seeing a North Royalton license. Chief Tarase explained that they would go and check to see if there was or not, however, probably refer them to the Fire. Mr. Nickell felt that he would not want that to be considered an emergency, or calling in staff. Mayor Antoskiewicz reiterated that it is in committee, and there are other issues that go along with this, which we can discuss more in depth at the next meeting. He went on to say that it is not just about the Blue Monkey. When you legislate, you have to legislate for the entire City; not just for one establishment. He agreed there are some things that would allow us to change some language. He mentioned the parking lot by Timberidge has had food trucks; Sprague Road with no homes. There are no concerns expressed in the area. He felt there were some options. Mr. Nickell concurred. He stated that personally, he tries not to legislate for one specific thing. As discussion ensued, Mayor Antoskiewicz concurred that we need to look into this.

Chief Chegan agreed that we can adjust and look at things; a lot of these things have been looked at before. There were some things that we requested that were not put in appropriately; on the safety side. Ms. Krejci offered to review this and try to have some potential recommendations. Ms. Miller conveyed that she is not there to police them or tell them anything, but her problem lies in what was conveyed to Council in Planning Commission; that is not what is being done three years later. That is where she wanted the clarification in the laws because they are very vague. She reiterated that '75 feet' from residential property line needed to be extended, because she felt that it is too close. As discussion ensued, she brought up the four-hour limit and how many trucks are allowed. She felt that perhaps some language could go in about spacing and how many you can have in a designated area; running on generators at one time. Chief Chegan concluded by suggesting that we note everything mentioned here, and it can be thoroughly reviewed for potential changes.

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci to **adjourn the February 21, 2023 meeting**. Vote: Yeas: 2. Nays: 0. **Motion carried. Meeting adjourned at 8:17 p.m.**



ECONOMIC DEVELOPMENT REPORT

BUILDING & BUILDING CODES MEETING

TUESDAY, FEBRUARY 21, 2023

Industrial

- The new 12,000 square foot building for Gray Matter, LLC, located at 9841 York Alpha Drive, has received a temporary occupancy. The power upgrade has yet to be completed. The extensive electrical components for the project are on back order.
- In the final 2022 Federal consolidated budget the City of North Royalton received a \$2 million appropriation/grant for the York Beta Industrial Park Extension. The grant is through HUD. We have received an email from HUD that indicates that we will receive more detailed information by the end of February. We also met with Representative Miller and his staff. They will be assisting us with the Federal regulations and processes associated with this grant.
- The city is still working with a developer to make land available for industrial development. The city also owns land in the industrial park. We are awaiting further information on the sewer project on Abbey Road.

Commercial

- Fire 45 exterior improvements are approximately 95% complete and the interior improvements are about 90% complete. Final inspections are scheduled for early next week.
- The former Carrie Cerino's Restaurant was sold. We spoke to the new owners who plan to operate an event center at the site and are planning some interior improvements. No permit applications have been filed.
- The former Tonight Tonight property on Royalton Road has been on the market for years. There is an interested buyer but transfer of the property is still pending. The city met with the prospective owners to discuss their redevelopment plans.
- The vacant property at the corner of Wallings Road and Ridge Road has been sold. We have not received any updated conceptual plans for this property.
- Burger King closed in the Town Center District. We understand that the franchise owner recently filed bankruptcy. The owner has indicated that he intends to lease the space.
- The Mr. Divots property on York Road has sold and the ownership of the property has been transferred. The intent is to maintain the existing use while performing necessary improvements to the existing structures.

Residential

- There is a four-lot minor subdivision proposed for the end of Sherwood Trail. The project received preliminary site plan approval but the developer is currently considering changes to the preliminary plans.
- There are at least four different residential developments that are in a conceptual stage to be reviewed by the city.
- The proposed subdivision located near Sprague and State Road is scheduled for the March meeting of the Planning Commission. The project will be seeking preliminary site plan approval for 20 single-family cluster homes.
- The Huntington Park Phase IV subdivision is preparing to submit for final plat approval and the dedication of an extension to Angelina Drive. The proposed subdivision is to consist of 7 single family homes.

TCD updates

- The company that performed the Master Plan has provided a draft of the TCD updates that were recommended by the Master Plan update of 2020. The administration is currently reviewing the draft before referring it to Council for their review. The goal was to simplify the TCD districts and recognize the current retail market.

York Road Baseball Fields

- Design work is underway for the specification for lights for the last field to receive the LED lights and upgrades. Once this project is completed, all lights will have been upgraded at the baseball complex.

Storefront Program

- As of December 31, 2022, we have approved \$64,706 in Storefront Program funding. We currently have \$50,000 available for 2023 Storefront projects.

Grants

Memorial Park

- The next phase is to install a 10-foot wide All Purpose Trail. This is currently moving to design stage.
- The city has received a \$1,000,000 grant from Cuyahoga County to cover the cost to implement the Memorial Park Master Plan including all of these phases.
- The city was awarded \$200,000 from the State of Ohio for the All-Purpose Trail. The city has drafted and signed the Agreement. The State of Ohio is still reviewing the Agreement and it will be returned to the city once it is approved. The next step is to get the design work underway.

- We received a \$33,000 tree canopy grant from the Cuyahoga County Healthy Tree Canopy Program. Tree have been installed. We are completing the paperwork to receive reimbursement.

NOACA Grant

- The date to install the charging station at Memorial Park has been pushed back. We contacted NOACA for an update.

Staffing - Building Department

- Both of our full-time inspector positions have been filled.

Land Bank Parcels

- The city is considering marketing some of the larger vacant parcels from the land bank.
- Also, we plan to place all the vacant land bank parcels on the city website.