

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
JUNE 20, 2023**

The Building & Building Codes Committee meeting was held on June 20, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:56 p.m.

**PRESENT:** **Committee Members:** Chair John Nickell, Vice Chair Heidi Webber, Joanne Krejci; **Council:** Paul Marnecheck, Mike Vos, Linda Barath, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Fire Chief Robert Chegan, Police Chief Keith Tarase, Finance Director Jenny Esarey, Law Director Tom Kelly, Economic Development Director Tom Jordan; **Other:** Thomas Maulorico, Joe Safranek, Joel Spatz.

**APPROVAL OF MINUTES**

Approval of May 16, 2023 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Mr. Nickell. Vote: Yeas: 3 Nays: 0 **Motion carried.**

**UNFINISHED BUSINESS**

**1. Economic Development**

See report.

Mr. Jordan discussed the purchase of two properties at the end of the Industrial Parkway. At our prior meeting, we gave a presentation about the Industrial Park and the roadway. At the end of the existing stubbed out road, there are two parcels on one side of the ravine that the City would like to purchase, partly to put a road on it and make a cul-de-sac. Lastly, the remainder portion of those parcels would be used for development and we would likely consolidate those into either City owned parcels, or neighboring private parcels.

Mr. Jordan reported that Chipotle has submitted an application to the Planning Commission, in which they are targeting an early 2024 opening. They plan to use the existing building and make some substantial renovations, including an outdoor seating area. They are looking to obtain site approval and there are some signage issues that they have there. The New Gum Do building is gone. The owner of the property, Norwood Development, is a hopeful developer, in which he purchased it from the owners. Also, the Aznus family who have successfully developed a number of properties in North Royalton; such as the Bank of America site.

Council did rezone the two parcels of the entry way to Harley Hills. We evaluated a buyer plan to develop those sites through Drees Homes. There is another plan that has been considered for those two parcels. In general, the idea is that they would be somewhat similar to that first phase and Harley Hills.

Regarding zoning, solar power is on for the meeting tonight, which entails upping the standards for solar power. It does allow for solar panel installations on the front of homes, which we also had some input from our Fire Department. We are adding requirements so that the electrical disconnect box and the dwelling are marked as solar powered.

**2. Memorial Park Update/Splash Pad**

Mr. Jordan advised that Phase 1 is out to bid. We expect bids by the end of the month. It is primarily funded through some grants. Pertaining to the Splash Pad, we have the company on-site making repairs and hope to announce when it will re-open soon. Ms. Krejci inquired about it being closed. Mr. Jordan explained that they are on site and we hope that they made significant progress today.

Mr. Nickell asked about Memorial Park, whether the lights on the tennis court are our responsibility. Mayor Antoskiewicz clarified that it is; yes. Mr. Jordan stated that it is an expensive fix.

Mr. Jordan discussed the NOACA grant for the charging station, whereas NOACA has indicated that they are not able to fund, therefore we are applying for additional funds to install it. Ms. Barath questioned if it is the charging station at City Hall. Mayor Antoskiewicz and Mr. Jordan concurred.

Mr. Jordan mentioned that Gary Hall, our zoning inspector who works part time, is doing a good job on a number of things. As a result, there have been a reduced number of calls to the department. He is also helping weed out some of our long-time issues that we have with certain home owners.

Mr. Dietrich brought up the solar panels, which is on the agenda tonight. Before a vote, he would like to speak on that topic, which is under New Business.

Mr. Wos asked about Memorial Park. He wanted to know if there are any thoughts on enhancing the tennis courts or adding anything, such as a pickleball course. He hears from a lot of people that this is really popular. Mayor Antoskiewicz indicated that the ones we have lined are being used during the day. Mr. Wos noted that originally, pickleball was discussed. Mr. Jordan explained that in the plan, it does call for some of its own creation; pickleball courts. However, currently we are spending a quarter of a million dollars on a trail to go in by the end of the year. Then we have the lighting issues, which were just mentioned, both on the soccer field and the tennis court. To resolve the lighting issues, it requires roughly a quarter of a million dollars a piece. We are trying to knock off the Master Plan recommendations as quickly as we can. We were glad to restripe those courts and got them in use right away. He continued that we could build a separate one; yes, it is in the plan. Currently, we do not have funding for it.

Mr. Nickell mentioned that at least five people have approached him about pickleball; one, in which is his brother that is very involved with the sport. Mr. Nickell suggested perhaps using some of the large parking lot just for day time temporarily; on the asphalt by the skate park. Mayor Antoskiewicz felt that would not work. He noted the tennis courts are being used and they get used a lot. He went on to say we have to be patient and see how we can go about doing it. We have been very successful with most of the park being funded through grants. We have spent very little out of pocket to get things completed. Most of the All Purpose Trail is coming out of grant money that we have received.

Mr. Jordan stated that he realized many people complain about the plans. They are getting funded because there was an existing Master Plan, in which the community was engaged, and 700-800 people participated. This was professionally done and it was completed. Mr. Jordan noted that he uses this every time we apply for a grant, so we can demonstrate that the whole community is in support of it. Part of the plan people tend to forget is that on the back side, there are cost estimates. Mayor Antoskiewicz pointed out that most of those grants are once a year. Mr. Nickell asked for a reminder about the Master Plan, whether pickleball was part of that. Mr. Jordan concurred.

### **3. Senior Center**

Mr. Kelly advised that the Senior Center project is moving along. He, and the Mayor, along with some others in the Administration, met today with the preferred architectural firm to see if we can negotiate some terms to a contract. There are more meetings planned already for the next two weeks.

## **NEW BUSINESS**

### **1. Amending Chapter 1477 – Regulations for the Use and Installation of Solar Energy Systems**

Mr. Nickell explained that there is question on some things that the Fire Department wants to change, such as some measurements of where they are placed. Still, there is debate of whether we want to allow panels to go on the front of homes. He had attended a realtor meeting today, in which he had asked five realtors how they

felt about solar panels on the front; they mostly frowned on it. He suggested handling the logistics of the Fire Department and then discuss this further.

Mr. Jordan explained the two updates, which entailed an electrical disconnect; a separate source of power. Chief Chegan indicated they were safety points that were in the Fire code. We wanted to make sure that the important aspects of those features were included in our ordinance, and that was one of them. The second one pertained to the variance. Mr. Nickell noted that it reflects 18 inches instead of 36 inches. Chief Chegan stated that the biggest thing for them was the identification and the emergency shut off.

Mr. Nickell asked for further clarification. Chief Chegan explained that it would be just like your electric meter at the house, to disconnect the power from the street. This way it will disconnect the power and the energy it is holding from the bank. Ms. Barath inquired about how you would identify that; whether is just by seeing the panels on the house. Chief Chegan agreed, stating that we just see the panels. Mr. Nickell commented that not many are on the front; only a few. Chief Chegan agreed and brought up those on Bennett Road. He continued that if it is anything less than a structure fire, it is not as hazardous. If it is smoke in the house, structure fire, our officers are going to go around that house; a 360. If the solar panels are in the yard or on the ground, we are going to see them. The problem that we have at times is if they are snow covered. We will be looking for those disconnect shut offs on the exterior of the building as well, as another indicator.

Ms. Krejci shared her concern about changing it. Currently, as far as getting solar panels on the front of the house, she is aware that they would go to BZA and seek approval. The good thing about them going to BZA to get approval, is that the neighbors within a certain proximity are given notice. Therefore, they may have an opportunity to object, comment, or have input. If we change the regulation, then we take away that ability for the residents in the area. Her other concern was that she would like to see what it looks like on the front of houses. She would also like the opportunity to ask some of her residents their thoughts prior to any vote.

As discussion ensued about those in the area, Mr. Dietrich stated that they are very noticeable. He used the phrase, it “pops.” He agreed with Ms. Krejci. He felt that it is better the way it is; so that neighbors can be notified and have input. He shared that he did more research regarding roofs, in which there is some new technology. The company Timberline makes shingles, and they are the number one shingle manufacturer in Ohio. They have panels now that look like shingles; you would not know they are solar panels unless you went up to them. Initially, Tesla came out with them. Mr. Dietrich would be comfortable with something like that on the front of the home. These are layered over top of one another. They look just like architectural 3D shingles on a roof; however, they are more expensive. He was not comfortable voting on this today as well, and would rather it be tabled. He suggested letting it go to another reading or perhaps in another Building & Building Codes Committee meeting so that we can discuss it further. He offered to provide some of the information that he gathered, along with photos. Mr. Nickell added that he researched it as well, and that GAF Energy makes them also; the newer technology. Mr. Dietrich agreed that it should go through BZA for front of the home. He reiterated that he would be comfortable with the newer technology type of panels.

Mr. Jordan believed that this topic arose because of BZA and there was some question about enforceability. Mr. Kelly indicated that he was present at the last BZA meeting; with only four members present. It seemed that it was close to an even split over an application; for Patricia. Mr. Kelly has given this some thought. He stated that Council’s views on many subjects are the final word, in the sense that when we make legislation, there is a presumption that is given to that legislation, that it is appropriate and in line; and constitutional. He went on to say that he is concerned about using esthetics primarily, which is your individual concept of esthetics; what is pleasing to the eye. Using that alone, may not be a sufficient tool to persuade a reviewing court that this is an appropriate exercise of your power. He commented that it is “their house”. Mr. Kelly stated that while you all have your own views, as he respects them, he is reasonably confident, that yard stick alone is not going to be sufficient to enable us to defend this legislation; if it were to be challenged. Ms. Vojar, who is normally Council for the BZA, told him that she anticipated three more variance applications rather quickly. Mr. Kelly stated that alone should not persuade you, and to use your own judgement. On the other hand, if you are going to sustain this position, it may be wise to take some investigative testimony, some

expert testimony, on the question of whether or not this is a viable program and an appropriate restriction. Again, we are left with you falling back on your own individual sense of what is good looking and what is not. Mr. Kelly pointed out that Council does not have any objection to putting solar panels on the roof, because it has already been allowed on the backside, or northern facing homes. Your objection is putting them on the front side of southern facing homes. He reiterated that if you are going to think about this, as you should, and look at the alternatives in this proposal, then it would be wise to have some testimony taken from experts on the subject to assist you in making an informed decision.

Mr. Wos understood. His concern was whether we have other ordinances. For example, a business that has dumpsters and we ask them to enclose them with fencing. He brought up an example of Sunoco, whereas we asked them to put in some landscaping. There is history where we have done this kind of thing. He wanted to know if that makes a difference. Mr. Kelly explained that when the City is regulating the operation of a business or the appearance of a business, we are exercising certain police powers that the state has approved. This is an exercise, when you are conveying if you live on the north side of the street, you have to put your panels on the back side of the house. Furthermore, in this climate and at this latitude, you do not get the same level of generosity and sun protection etc., or electrical, as your neighbor who lives across the street. There is a basic discrimination there; not illegally. However, you are discriminating against people that have northern facing houses and southern facing houses.

Mr. Dietrich expressed that he somewhat disagrees. He views it as staying consistent with the back of the homes and its situational circumstances. We are not saying that because you live on the south side versus the north side, you cannot have solar power. We are stating that you can, however we are going to stay consistent with all of the residents. He does not envision a lawsuit when you are staying consistent. Mr. Kelly felt that was a very logically expressed argument, which he appreciates. He just wants Council to be in a position to make an informed decision. You have made a decision largely on the basis of your own sense of what is appropriate, what is reasonable or good looking. He reiterated if you are going to look further into this question, you should take some testimony and get some experts to come forward, as to the advantages, disadvantages, and whether it is substantial, etc. There are things that drive this experience beyond what simply looks good from the roadway.

Ms. Krejci raised question about testimonies and how formal that would need to be. Mr. Kelly indicated that in committee, you could bring people to the floor that have knowledge of this and who can provide additional information. When a court looks at how you came to your conclusion on a matter such as this, a judge may want to know how you arrived at your decision. If it was simply driven by the fact that some of us like it and some of us do not, that is not going to sustain the argument. For those of you that are opposed to putting solar panels on the front of the house, you are going to want some people to come forward to be able to give you information that sustains your position; so that he would be able to point that out to the judge. Ms. Krejci was fine with looking further into the topic. Mr. Kelly reminded everyone that it can be done in committee.

Mr. Nickell agreed that we need to gather more information. The solar industry is riddled with issues, concerns, and problems. For example, he noticed a certain company had negative reviews that were all similar about solar panels installations. He went on to say that we regulate many esthetics; we were discussing how grass looks. He brought up the Town Center, where we say you have to have certain things. Another example is Taco Bell, whereas we asked to have a bridge put in. Mr. Nickell felt that we have a lot of criteria. He brought up the Mayor's point that people should be able to spend money on what they want. He added that most of Council do not want to see them on the front of houses. We have made accommodations for people to have solar panels in their back yard. He commented that solar panels on the ground, could perhaps be in the front yard.

Ms. Krejci felt that if the importance is to get the safety things changed in the ordinance, perhaps we do that and then we continue to discuss this further. Mr. Wos agreed. Mr. Dietrich was comfortable with the safety aspect as well. He agreed with Mr. Nickell, whereas a lot of things are created based on esthetics; we should be able to do so. He gave an example, such as one resident in his ward that went to BZA. He wanted to build

a very large garage. The reason that a lot of those restrictions are in there, is based on esthetics. He stated that we were elected to make these decisions and he understood the Law Director's point. He personally does not think it is an issue; as long as we stay consistent. He felt that you are restricted with the home that you purchased. There are positives and negatives with the house that you buy. He wanted to know if we are making it easier for the companies that are installing it, and if it is possible that they could put it on the back and do certain things to get optimal use. He went on to say we see people trying to cut corners all the time. Perhaps we need to do what Mr. Kelly suggested. Mr. Dietrich offered to have a free quote done and to take notes on everything. He did not feel comfortable voting on anything yet as well.

Ms. Webber stated that HOA's can always implement very strict regulations about what you do or don't do to your house, and people have to abide by those. On the other hand, we probably do have an issue where a resident may think that they could possibly get a federal abatement or tax credit if they get solar energy panels. She wondered whether we are effectively keeping them from that. This is a good discussion, which she felt we should continue.

Mr. Marnecheck stated that it sounded like we are all on the same page for the safety part. He asked about amending it, as to not change it at this time. That way, if needed, Mr. Kelly is as best prepared or best armed as possible. He made the point of, why not make the amendment and then get some more information on the other topic. Ms. Webber agreed.

Mayor Antoskiewicz explained the point that he believed our Law Director was trying to make was basically, esthetics is not the reason. If you can come up with testimony about having it on the back, versus having it on the front, and you have that type of testimony, that is why you decide. If you strictly say that the only reason is because you do not like the way it looks, it becomes difficult. The Mayor noted there are a lot of things esthetically. He brought up the point made by Ms. Webber. No matter what you include, the HOA's usually take over; as we found out about a lot of different ordinances. From personal experience, when you sign on, there is a contract of what you can do. He felt that is a big difference than when one goes and purchases a home. An HOA can decide not to accept solar panels regardless of where you put them; because you have already signed on to that. Mayor Antoskiewicz pointed out, even if we do nothing, these are going to go to BZA; BZA could say yes. Hypothetically speaking, now you have them on the front anyway; there is no guarantee. He suggested to be prepared if we have a meeting or a possible situation where someone is suing us. He reiterated to keep all things considered. He did not believe that we can specifically say this is the only type of solar panel you can have.

Mr. Dietrich commented that even if it is written a certain way, BZA could still approve it. There are other products out there that he feels BZA would approve and be okay with. Mayor Antoskiewicz noted that he did not know what they are going to approve. Mr. Dietrich expressed that he just wanted to mention those other products. The Mayor encouraged Council to look at all the parameters and what is being discussed today, before making a decision. Mr. Dietrich brought up the scenario in BZA, where there is a garage that this resident wants to build, and he had a whole room full of people that showed up against it. There is not a logical reason that it cannot be built; it is not going to hurt anybody. He reiterated that it is esthetics. He could not think of another reason why that resident would not be able to spend his money on what he desires. It has to be because of esthetics; they do not want this massive garage built. Mayor Antoskiewicz pointed out that the City probably told them no, based on the ordinance. Mr. Dietrich understood. He went on to say the ordinance in his opinion, exists due to esthetics only. The Mayor did not think so. A lot of the set back and things have to do with people not going right up to a property line, which makes it difficult in a lot of ways. There is good reason as to why a lot of the building codes are put into place. The Mayor reiterated that the important point made here today, especially by the Law Department, is that you need to have a better argument and better reasoning, than to just claim you do not like it.

Mr. Nickell was in agreeance that we will do some more research. Mr. Jordan wondered if the committee is going to pass on the recommendation, whether Council was okay with the provision for the electrical disconnect, etc., and not change the one concerning the side of the house. Mr. Nickell concurred; not Section

B, Item 3. He mentioned Section B, whereas are not in consensus at all. He does not agree with the esthetics argument because we regulate so much in the City, as well as all cities. He concluded that there are more examples of what we allow or do not allow, for reason that it looks bad.

Mr. Kelly made suggestion to recommend that it be adopted, subject to deleting the section mentioned; the cross out of B, 3.

Ms. Krejci moved that we take this out of Building & Building Codes Committee and move it to Council as the amendment will be discussed, seconded by Ms. Webber. Vote: Yeas: 3. Nays: 0. **Motion carried.**

#### **ADJOURNMENT**

Moved by Ms. Krejci, seconded by Ms. Webber **to adjourn the June 20, 2023 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 7:47 p.m.**



# ECONOMIC DEVELOPMENT REPORT

## BUILDING & BUILDING CODES MEETING

TUESDAY, June 20, 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. We are going to perform a reinspection.
- 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. We have received the draft funding agreements and are reviewing them. The Engineer on the Abbey Road extension will be responding to the federal government inquiries.
- Morel Landscaping is building a 9,000 sf office/warehouse building at 12024 York Road. Framing has started.
- Lozinak & Sons is building a 5,000 sf accessory building at 10769 Royalton Road. The building has been enclosed and site work remains.
- Fazio Mechanical bought 13821 Progress Parkway and is renovating this 20,700 sf building. The company has moved in and has started a small interior renovation.
- The city is proposing to purchase two parcels in the industrial park to use for a roadway improvement and the remainder of the land is to be used for development.

### Commercial

- Chipotle has proposed to redevelop the former Burger King at 5702 Royalton Rd. The site plan application will be considered at the Planning Commission of July 6, 2023. They are targeting an opening of early 2024.
- The former New Gum Do site has been demolished. The site is up for sale.
- The former Carrie Cerino's restaurant is vacant. The owners are considering development options. I reminded them of their maintenance responsibilities.
- The former Tonight Tonight property on Royalton Road has been on the market for years. The building has been cited for maintenance issues.

- The Mr. Divots property on York Road has sold and the ownership of the property has been transferred. They have filed for a building permit for construction. The permit is waiting to be picked up. They have already started some smaller improvements.
- Encore Clinical Services bought 12301 Ridge Road. The company provides at home wound care. This building will serve as their main office. The building and business are now open.

## **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 plan.
- We are reviewing a subdivision plan near the entry to Harley Hills.
- The proposed subdivision located near Sprague and State Road received preliminary approval at the March meeting of the Planning Commission. The project will be seeking preliminary site plan approval for 20 single-family cluster homes. They do not have final site plan approval.
- There was a proposed 5 unit subdivision off of Cedarwood which was denied at Planning Commission.

## **Zoning 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 goal was to simplify the TCD districts and recognize the current retail market. The Administration's review has just been completed. We will be drafting legislation soon.
- An edit to the existing standards for solar power is proposed. We are proposing removing the requirement that the solar panel be installed only on the rear roof of the house. We are adding a requirement that the electrical disconnect box and dwelling be clearly marked as solar powered.

## **York Road Baseball Fields**

- The lights have been ordered and we expect construction to begin in August 2023.

## **Storefront Program**

- As of December 31, 2022, we have approved over \$69,000 in Storefront Program funding. We have \$50,000 available for 2023 and recently approved a grant in the amount of \$4,600 for signage at Town Tavern located on State Road.



## **Grants**

### **Memorial Park**

- The design was completed for phase 1 of the All Purpose Trail. The bid opening is set for June 29<sup>th</sup>. The bid proposes that the work could commence this fall or next spring. In an effort to manage costs we did receive a \$50,000 grant from the County as well as the State Grant.
- The city has received a \$1,000,000 grant from Cuyahoga County to cover the cost of implementing the Memorial Park Master Plan including all of these phases.
- The Splash pad was opened on Memorial Day. After operating for just over a week City staff noticed a loss of pressure. The City notified the installer immediately. The splash pad was closed on June 9<sup>th</sup>. On June 12<sup>th</sup> the installer was onsite checking the pump equipment. Today a leak detection team was on site. Tomorrow Cook Paving will be on site and working on the repairs through the rest of this week.

### **NOACA Grant**

- NOACA has informed us that they ran out of money and cannot install the charging station at this time. Instead of installing 47 stations they are only constructing 40. Ours was one of the 7. They are applying for additional federal grant money to cover the install of the remaining seven.

### **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.
- We will be listing the two parcels on West 130<sup>th</sup> Street.