

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
SEPTEMBER 18, 2018**

The Building & Building Codes Committee meeting was held on September 18, 2018, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:03 p.m.

**PRESENT:** Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Gary Petrusky, Dan Langshaw, Paul Marnecheck, Cheryl Hannan; Administration: Mayor Robert Stefanik, Law Director Thomas Kelly, Community Development Director Thomas Jordan, Police Chief Ken Bilinovich, Finance Director Eric Dean; **Other:** Lou Krzepina, Marianne Gedeon.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the July 17, 2018 Building and Building Codes Committee minutes.** Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. City Green Development**

Mr. Jordan said that there are two open projects on the green; the electronic message board sign and the electrical upgrades. The electronic message board sign has been awarded and we are working on getting it ordered and installed. He said that we need to make a deposit of 50%. Mr. Nickell asked for the cost of the sign. Mr. Jordan said \$14,000. Mr. Jordan said that we are out to bid on the electrical upgrades and are waiting for them to be returned. Mr. Marnecheck asked when the bids are due. Mr. Jordan said that they are due by the end of the month. He stated that this project is being funded primarily through a NOPEC grant.

**2. Cemetery**

Mr. Jordan said that we have 3 separate projects. One is the pillars that would be part of the entryway for the project. These are currently out for solicitation. He said that we received some proposals from an initial solicitation that came in a little high. We quantified them and sent them back out. These are due September 28, 2018. He feels confident that we will be able to get a bid under \$50,000. Mr. Jordan said that the sign that will be placed in this entryway was bid out separately and he felt that this too will come in under \$50,000. The third component is the receiving vault. He said that we received a grant from the State of Ohio, but have not yet received the official award and contract. He said that we have finalized the design company and the scope of work to be performed. We will be entering into this contract shortly and he said that he has contacted Senator Patton's office to see if we can get ODNR to come up with the contract soon so that we have the assurance that we have the contract and funding in place before we spend any money on this project. Mr. Kasaris asked what fund the money will come from for these projects. Mr. Jordan said that it will be from the Future Capital fund. The \$100,000 grant will be used entirely for the receiving vault, and the city will be pay about \$15,000 for the design and construction management of this project. The pillars are being funded entirely by the city. He said this too will be funded through the Future Capital fund.

**3. Front lawn parking/paving of driveways and accessory driveways.**

Mr. Nickell said that the feedback he has received from his residents is that they really don't want anything to do with this, so he is not interested in doing anything with it. Mr. Kasaris said that he would like to see the legislation because the Mayor indicated that there may be exceptions that he may want to put into legislation. Mayor Stefanik said that there were some exceptions, but unfortunately when it was put out to the public these exceptions were not made known. This is not for people who are having a graduation party, work done on their property, etc. This would target those who habitually park on their front lawns all year long. He said that once you let something like this go, it tends to snowball. We have been doing pretty well with property maintenance in the past few years. We start with friendly warnings and then once a grace period is over, we will start the citation process. He said that 90% of the time the problem is taken care of before it has to go to court. He felt that this was a good thing, but if Council doesn't want to move forward with it, that's fine. Mr. Kasaris said that the Mayor had stated that there

were exceptions that he wanted to include in this legislation, and he said that he would like to see this legislation before he passes judgement on it. Mayor Stefanik said that if the majority of Council wants to see legislation, he said that they can put something together. He said it would basically follow what surrounding communities already have on their books. Mr. Kasaris said that his opinion might still be the same but would like to see the written legislation first. Mrs. Hannan said that she is also interested in seeing what the legislation says but, in her ward, there are a lot of homes that are rural with long driveways. She said she has been asked if this means that a resident can't park their car next to their garage that is out of view of the public. She said that it makes sense for this type of regulation in subdivisions, but she is not sure it is good for all areas in the city. Mr. Nickell said that he has 5 cars and this past weekend had one car parked on the grass to get it out of the way of the others. He said other residents do this as well. On social media, he explained that this is not just about "party" parking. He said that the feedback was that the residents were very irritated that we are going to do this. Mr. Kasaris said that this was the feedback he received as well. Mr. Langshaw said that he had residents that were concerned as well, but we don't have legislation in front of us so he can't decide without seeing what it would say and didn't think it would hurt for us to just take a look at it. Mayor Stefanik said that in Ward 2 on Sharon Drive a resident put in a driveway in their front yard using rocks. He said that this is currently allowed by code. He said that these are the things that we need to start addressing. A lot of the homes on the main and secondary streets are older homes with a transitioning population and people are just not taking care of their homes like they used to. If we let this continue on these roads, it will start spreading. He said that if Council doesn't want to do anything about this, fine, but he is concerned about keeping the property values up not only today, but into the future. When you come into the city on Ridge Road or State Road, you want to see a nice housing stock. We have been citing people to cut their grass and remove junk vehicles so that when you come into the city it looks nice. He said once they hear the whole story, the people he has spoken to do not have a problem with this. He said that we are not taking anyone's rights away, we want to keep our property values up and keep North Royalton an attractive suburb for people to raise their families. Discussion on gravel driveways ensued with Mr. Kasaris and Mr. Langshaw saying that they would be more interested in looking at legislation for something like this. Mr. Antoskiewicz said that he previously introduced legislation regarding the elimination of gravel aprons because of the storm water issues so if a gravel apron is replaced it must be replaced with concrete or asphalt. Mr. Antoskiewicz said a lot of the newer developments already have solid surface side aprons. It is a lot of the older homes that do not have this feature so we may want to put something on the books in the future so that the problem will start to go away. He said that he is open to looking at what the legislation would propose and discuss further. Mayor Stefanik said that we can put together sample legislation for both items and have the committees review.

## **NEW BUSINESS**

### **1. Mortarium for short term rentals.**

Mr. Kelly said that this request is from the Administration based upon the experiences of surrounding communities. A neighboring community was on the news not too long ago because one of their beautiful homes was completely destroyed. The concern is that short term rentals in residential districts are increasing likely to expose not only the homeowner to destruction, but also the municipal corporation to the expenditure of funds and resources to take care of a problem. He said that the proposal is that we have a moratorium to look at the possibility of either regulating or prohibiting these short-term rental operations. Mr. Kasaris asked if we know how many we have. Mr. Kelly said that he does not, but there are homes listed on sites such as Airbnb and others that are available in North Royalton. He said the point is that this is a commercial operation in a residential district which is prohibited. While people might like the idea of making money off the rental of their home during a particularly desirable time frame such as the RNC a few years back, the fact is that it places stress on our police and fire resources. The question is what does the community want and what is appropriate for our people to protect their interests. He said that a moratorium would allow time to flesh out a lot of questions. Mr. Antoskiewicz said that this is why we put the rental registry in place because it gives us an opportunity to know who is living in our city. With these short term rentals, you don't know who is coming in and some surrounding communities have had big problems with things like Superbowl parties. They rent it for a night or two and don't care what kind of noise they make or how they leave the property. He felt that it was something we need to look at

and this gives us time to do that. Mr. Kelly said that you can't predict the future and so we don't know what, if anything, is yet to come. The one time that it does happen in our community it's going to strain a lot of our municipal resources. If a homeowner in a particular development decides that they wish to rent out their home for this purpose, they are creating an event center in the middle of a residential district. The fact that it is a popular business model doesn't make it any the less violative of our zoning code. Mr. Petrusky said that a homeowner is liable if they throw a wild party, why wouldn't they also be responsible for those they rent to. He also said that the police response should be the same if it is a wild party by the homeowner or the renters. Mr. Petrusky said that if there was damage to the home, it would then be a civil matter between the homeowner and renter. He did not see where legislation would stop this by simply telling people that they can't do it. He felt that we already have laws on the books that would cover this. Mr. Kelly said that we have ordinances that can be used to chastise property owners for abusing their homes at the expense of their neighbors. This is intended to broadly send a message that North Royalton is not a place where you can have an event center in a residential area. A homeowner having a party has an interest in maintaining order and the integrity of this property. Mayor Stefanik asked the residents in the audience to raise their hand if they would want one of these types of rentals next door to them. No one raised their hand. Mayor Stefanik said that he doesn't want one near him either and it is just a matter of keeping this out of our community. Mr. Petrusky asked why we don't just prohibit rentals all together. Mayor Stefanik said that long term rentals are permitted; what we are talking about are one or two night "hit and run" rentals. Mrs. Hannan agreed that we shouldn't just introduce legislation as a reaction to one particular instance, but she had a resident who came to her and asked if we had anything on the books about this. She said that her neighbor is constantly renting out their property. Mrs. Hannan said she reached out to the Law Department to see if there was anything that addresses short term rentals and found that there is nothing that addresses this particular instance. She said that other communities are looking at ways to address this. It not only puts stress on community service, but it stresses the neighbors if you have the misfortune of living next door to one of these rentals. Mr. Petrusky asked then why don't we take what we have on the books for long term and put something in there addressing this and establish a minimum rental time. Mr. Kelly said that this is exactly why we are asking for the moratorium. Let's have a moratorium for the purpose of examining what kind of a short-term rental might be appropriate. This will allow Council to determine what they feel is appropriate for this situation. He said that the moratorium is just a sensible way of trying to blunt any immediate effort at trying to abuse our lack of legislation on the issue of short-term rentals. Mr. Nickell asked if we know which other communities have addressed this. Mr. Kelly said that Seven Hills has addressed this. Mr. Nickell wanted to know if this has been tested in court so that we are not found to be preventing someone's property rights to do what they want with their property. Mr. Kelly said that he has not studied this and would need some time for research. Mr. Antoskiewicz said that the moratorium would allow us the time and opportunity to look into all relevant situations and instances. Mr. Langshaw agreed that looking at what Seven Hills did might be a good idea to see if it would be a good fit for North Royalton. He said that he is ok with taking time to review this. Mr. Marnecheck said that he has never used Airbnb and does not know enough about how this works. He said that he needs time to figure this out. This is a quickly evolving topic and if he is going to effectively address this, he needs time. He said that we have used moratoriums in the past for issues that are moving quickly in order to give us time to research and address. Mr. Marnecheck asked if we should we approve the moratorium can we make it retroactive to rentals that were made prior to this approval. Mr. Kelly said that we cannot retroactively apply this type of legislation. It is just intended to get the news out so that the public will become aware of the fact that the city is interested in and concerned about the application of this type of arrangement in our residential districts. Mr. Kasaris asked what the punishment would be if we put the moratorium in place and someone decides to rent out their house. Mr. Kelly said that there is no penalty. This would place us in the position of having to seek some civil remedy. Mr. Kasaris said then that this is injunctive relief. Mr. Kelly said it is not intended as a punishment, it is intended as a hinderance. We are not seeking to penalize anyone, we are simply trying to make a point that City Council needs to consider these options. Mr. Kasaris said that you can seek injunctive relief, but by the time you file it the party will be over. Mr. Kelly said that we are not interested in making this a criminal sanction. He said that if Council decides to impose restrictions on short term rentals, then we could consider the possibility of adding some type of misdemeanor penalty that would be appropriate. Mr. Kasaris said that

we are passing a code that prohibits people from doing something. He said there should be a way to enforce it other than injunctive relief. Mr. Nickell suggested that we put this on second reading so that some research can be done. He said that it's not that he is against it, but it just came up tonight and would like to see it go for a second reading like we do for many other items. Mr. Antoskiewicz said that this is what the moratorium would be for. Mr. Marnecheck said that he has no problem voting on this tonight. Mr. Kasaris said that he would like to see a penalty provision. Mr. Kelly asked that the members of Council communicate to the Law Department whether or not they think a penalty should be imposed for violating the moratorium ordinance should it be adopted. Discussion ensued regarding violations, penalties, enforcement and the different scenarios that would be involved. Mr. Langshaw said regarding the penalty, he just wants to be consistent with whatever we have done with moratoriums in the past. Chief Bilinovich said that the Police Department is in favor of this moratorium. He said that it has been his experience over the last 30 years that people who are renters, long or short term, tend to not take care of the property as well, they tend to have more disregard for their neighbors and they tend to cause more problems for the Police Department. Mr. Petrusky agreed that if we implement the moratorium there should be some type of penalty. Mr. Kelly said that most people are willing to obey the law and if they know that something is against the law most people will not do it whether there is a penalty involved or not. Mrs. Hannan said that she is not in favor a penalty, she does not want to criminalize and punish our residents while we are trying to study this matter. Mr. Nickell said that this is not an emergency and would like to see this legislation placed on second reading. He said that he is not against it but does not think there is enough consensus at this time. Mayor Stefanik said that is what a moratorium is for to build a consensus and to draft something. He said that many surrounding communities have done this such as Lyndhurst, Broadview Hts., Parma. It was agreed to leave this in committee and put the legislation on second reading.

#### **MISCELLANEOUS**

**Mary Ann Gideon** addressed the committee on behalf of her mother Josephine Dhayer, 8651 State Road. She said that the neighbor is leaving excessive lights on that shine into her mother's bedroom, bathroom and backyard. She said that they added over \$500 worth of landscaping but it will take time to mature. She said that they have dealt with the Building Department and the police have been their multiple times. They were told that given the existing code, there is nothing they can do. She said that they have tried speaking about this with the neighbor. She said that the city currently has a code under Section 1482.06 that applies just to pools right now, but it requires shielded lighting and that the lights be turned off at 11:00 p.m. She said that one option would be to amend our current code to make this applicable to all backyard lighting. Ms. Gideon said that she currently lives in Mentor and they have a code addressing outdoor lighting and lighting nuisance and lighting trespass. It states that you can light up your property as much as you want as long as you are using shielded lighting and it is contained to your space. She said that a lot of communities are starting to do this as well. She asked that the committee consider one of these two options, or something else that would address this issue. Mr. Nickell said that he knows our codes address commercial lighting effecting residential property, but does not know what we have regarding residential effecting residential. Mr. Jordan said that this is something that we can look into.

#### **ADJOURNMENT**

Moved by Mr. Nickell, seconded by Mr. Kasaris **to adjourn the September 18, 2018 meeting.** Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 6:50 p.m.**