

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
MARCH 18, 2014**

The Building & Building Codes Committee meeting was held on March 18, 2014, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:30 p.m.

**PRESENT:** Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Dan Langshaw, Paul Marnecheck, Steve Muller, Gary Petrusky, Administration: Mayor Robert Stefanik, Safety Director Bruce Campbell, Law Director Thomas Kelly, Finance Director Eric Dean, Service Director Nick Cinquepalmi, Wastewater Supt. Tim Tigue, Community Development Director Thomas Jordan, Building Commissioner Dan Kulchytsky; Other: Alberto Panecasio.

**APPROVAL OF MINUTES**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the February 18, 2014 minutes** as received. Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

1. **Gas station at Rt. 82 and State Road**

Mr. Nickell asked for an update. Mr. Jordan said they are working on the site this week to try and finish the job now that the weather has improved. We will eventually get a closure report with the final test results from the project. There will be no further updates for several months. Mr. Nickell asked if the last thing they will do is seed the property. Mr. Jordan said they are breaking out the remaining amount of concrete and removing some of the contaminated soil, doing some more testing and then they will grade and seed the site. Mr. Nickell asked if the city should get title to the property could we use it as a "Welcome to North Royalton" corner. Mr. Jordan said that in our application we stated that we had an interest in doing this. Mr. Langshaw asked who has the biggest liens on the property. Mr. Jordan said the biggest liens were the mortgage holders, taxes and at one time a private certificate holder but the county is probably the second biggest lien holder. Mr. Langshaw asked what a prospective buyer would have to do in order to develop the property. Mr. Jordan said that once the work is finished the county will lien the property for the cost of this work and then they would take it to a tax foreclosure sale. At this sale they will clean up the leases. In the interim one of the lien holders could take it and petition to move it to a tax foreclosure sale.

2. **Home Demolition**

Mr. Jordan said we are not currently pursuing any further home demolitions. We are currently cleaning up some of the sites that have already been demolished from last year.

**Remove from agenda.**

3. **City Hall update/project**

Mr. Jordan said we have entered into the agreement with Krill Co. They are meeting with them tomorrow for the first update on the budget. What they have been charged with is to come up with the gross maximum price for the project and provide that to the city in a contractual form. The city at that point can move forward with the project, decline if they feel the number is too high or redesign and try to get the number down. Mr. Jordan said all parties involved are meeting via emails, phone calls, meetings on site, etc. to try and arrive at the price we are comfortable with. He said when this is done he will bring it back to Council. Mr. Jordan said we are attempting to bring down the cost of the utilities on site. CEI has quoted \$28,000 to bury their lines. However the trenching and coordination of the remaining two utilities that we are aware of, cable and telephone, might require some additional charges. We are also hiring an asbestos contractor to remove some tile at a cost of approximately \$13,000. He said that they solicited 4 different companies for this work. He said we also solicited 4 different companies to perform the land topo surveys. Mr. Jordan said that some of the area schools as well as the YMCA have taken some of the shelving, furniture, etc that was left behind by the library. He said those pieces that don't get claimed or sold at auction will most likely be disposed of by the contractor. Mr.

Kasaris asked what the plans are for the current City Hall. Mr. Jordan said in the short term it will be used as storage. We are not going to spend money to build big file rooms down at the new City Hall because it is not purposeful. He said that there is a possibility that a grant can be had to try to preserve some portion of the building or to turn portions of the building's footprint into a park. The City Green will remain, so this would add to that area. The parking lot will also remain to accommodate the many public events that occur on the City Green. Meeting space for the public has been provided in the new City Hall. Mr. Nickell was concerned that while the building has served its purpose, it would be a big financial drain on the city in the long term. Mr. Jordan said there are a number of problems with the building and we are hoping to avoid having to invest money back into the building. Mr. Nickell asked if there was a projected cost on the razing of the building. Mr. Jordan said not at this time. Since we own the building, we are not in a hurry to vacate for a new tenant. Mr. Jordan said he could get a cost rather quickly and Mr. Kasaris asked for the price to be broken out by demolition of one wing, two wings, and in its entirety. Mr. Nickell asked about the phone system for the new facility and the possibility of running our own fiber. Mr. Jordan said the other two components are the fiber optic network to connect all of the buildings and replace all of the phones and the phone systems throughout all city buildings. Brian Beals has been working on this and we are also looking at a consultant to help us define the scope of work, help us build the system and solicit for some of the IT vendors. He said that the Law Department has done extensive research into the city's franchise agreements it has with the various IT and cable providers and their obligations to the city, as well as to some land lease agreements. He said a lot of the requirements to provide free services to the city are no longer required because of deregulation and some of their interpretations of the more current agreements indicate that they have a very limited obligation to the city. He said we are still working with these companies to try to get any free service that we are entitled to and try to bring down the cost of the project. He said that he believes that we will build our own fiber optic network system which would involve constructing a mostly overhead line system at our expense. We will have to hire an internet service provider to bring it by, but we will probably have a little more upfront costs that what was anticipated. Mr. Jordan said that the network that goes through Strongsville is actually the system that we may tap into. Mr. Beals has met with the Strongsville IT provider as well as their IT network person so we are going to try to take advantage of whatever information is available. Mr. Nickell said we might have three options to do this: do it on our own, partner with Strongsville or with the schools. Mr. Nickell said the schools are preparing an RFP in the next few weeks. Mr. Jordan asked if the schools hired a consultant or were they doing the RFP internally. Mr. Nickell said they are doing it internally. Mr. Jordan said that he would like to speak with Mr. Nickell about this further. Mr. Langshaw said that Strongsville provides free Wi-Fi in 8 or 9 locations for their residents. He asked if we will be providing that as well. Mr. Jordan said that we are looking into this for Memorial Park, York Road Fields and the City Green. Mr. Nickell said that they recently took a tour of Strongsville's Police Facility and City Hall and he was very impressed with the technology aspects of both facilities.

#### 4. **Charity Donation Drop Boxes**

Mr. Kulchytsky said that he met with the President of Council to review the sample legislation from Cleveland that was handed out at the last meeting. He felt that the sample ordinance was well written and some small adjustments for North Royalton would need to be made should Council choose to proceed. He said the ordinance allows for the regulation of these boxes by the Building Division in order to ensure that it is placed safely and in a good and appropriate location on the site. He did a quick review of the city and said that there are drop boxes located right up to the sidewalk line at locations that we would consider unsafe or unsightly. He sent out an inspector for an hour to photograph the various locations of these boxes. They were located in the TCD district, gas stations, Drug Mart, etc. There are a substantial amount of these throughout the city. Some are located on Public Facility properties. He said he has confirmed that there have been complaints about them. He said that he discussed with Mr. Antoskiewicz that we might want to make some changes to the sample ordinance such as do we want to exempt Public Facilities from the permit fee. Mr. Petrusky asks who pays the fee, the owners of the box or the property owners. He said this has bothered him since the last time this was discussed. These people are in business in some form, whether it be recycling paper or picking up donated goods even if it

is a nonprofit organization. If Drug Mart chooses to be nice and allow a nonprofit organization to put a box on their property, why should they have to pay a fee to have that box and why should the establishment be responsible to the upkeep of the box...it is not theirs. Mr. Antoskiewicz said that the owner of the box would have to be the one that would obtain the permit and pay the fee. Mr. Jordan said that on any building permit fee, the owner or the tenant can pay the fee, it doesn't make any difference. Mr. Kasaris asked if we currently permit these boxes. Mr. Kulchytsky said that we currently do not have a regulation that permits these boxes. The closest we have would be ordinances that control dumpsters. Mr. Kasaris said then that we are not talking about regulating them, we are talking about permitting them in the city, and regulating their use. Mr. Jordan said that if we chose to exempt public facilities such as churches and schools, we would exempt them from the permit fee, not the permit. The owners of private property would pull a permit and there would be some limitations on their locations. Mr. Petrusky felt that this would be unfair. Is the church making money off of it? Is the Sunoco station making money off of it? If no one is making money except for the people who own the box, all the liability needs to fall on the owners of the box. Mr. Nickell said that the locations with the paper recycling boxes earn money from them. The boxes located at the schools donates the money to the Student Council. He believes that the money for the boxes located at Drug Mart is donated to St. Albert's, other locations donate to the Boy Scouts, etc. Mr. Petrusky said using Drug Mart as an example, since they are not Public Facility they would have to pay a fee for the boxes even though the proceeds go to a church. He didn't think it was fair to treat them differently than a public facility. Mr. Kasaris said that when St. Albert's comes to BZA for a sign or when the schools come to the city for their signs did they have to pay a permit fee? Mr. Jordan said yes. Mr. Kelly understands what is being said here but in terms of being able to regulate these boxes the regulation falls more properly on the property owner. The property owner is permitting the lease of some portion of his property to this individual. If we need to enforce any ordinances with regard to the maintenance or operation or upkeep or use, the proper party would be the property owner, not the owner of the box. If the abuse or neglect or whatever the problem is that we need to address is the result of the box owners failures, then the owner of the property has got to deal with that. Mr. Kelly said if we were to prosecute someone for neglecting some issue with regard to one of these boxes, and many of these nonprofit box owners are pirates and are not who they pretend to be and are located out of state and work under a variety of corporate shells. So trying to secure any ability for enforcement out of these people will be extremely difficult. Mr. Kelly said that our focus in terms of our ability to control use or abuse has got to fall on the property owners. Mr. Petrusky asked if he had rental property and the property is neglected, who gets sited, the owner or the renter? Mr. Kelly said the property owner would be sited. Mr. Petrusky said he felt this was the same difference. He said the box owners are renting the property, using the property but the box owner is the owner of the box, why should Drug Mart be sited. Mr. Kelly said that there are statutes and ordinances that govern the exchange of residential property. What you are going to find is that in many instances there are no leases between the property owners and the nonprofit companies that are dropping off the boxes. As a practical matter, if we had to chase after the nonprofit box owner to get some type of enforcement, we would be chasing them forever. We know who and where the property owners are. Mr. Petrusky said he won't go for this. He does not think the property owners should be responsible for the boxes. The box company owner should be responsible for their property. Mr. Kelly said that Council can certainly put that into the ordinance if they want, but as a practical matter it would be very difficult to enforce. Mr. Petrusky said that if they are not going to maintain the box then the box needs to be moved out of our city. Mr. Jordan said that our only avenue to have it removed is to ask the landlord to have the box towed. Mr. Nickell said that from what he is hearing tonight, closed collection boxes are not currently permitted in the city and we can order them to be removed. Mr. Kelly said this is correct. They are not permitted as of this time and so they have no right to have them there. Mr. Petrusky asked if this was true for all the boxes, paper, clothes, etc. Mr. Kelly said he would have to see each individual circumstance, but generally they are prohibited because they are not permitted. Mr. Kasaris asked if we set up a licensing structure for these boxes, how would we handle the boxes that are already here and have been for many years? Do we have ability to make them comply with the new code? Mr. Kelly said yes. The school system is a separate arm of the sovereign. Drug Mart has no right to have on their property anything that has not already been approved by the Planning Commission and the Building

Department. If they have something there that was not a part of their approved plan, it has to go. If we decide to allow these boxes, we would tell them that they need to apply for a permit, pay the appropriate fee, and locate the box wherever the Building Commissioner says it should go. Mr. Jordan asked Council if they want to pursue this regulation effort and if so, there are a couple policy questions he would like answered. One was do you want to exempt the public facility zoned areas from the fee, not the permit, but just the fee. He said they are proposing a \$100.00 fee on an annual basis for those boxes located outside of the public facility zoning. Mr. Muller said he has an issue with the fee. He felt that the property owners, Drug Mart, Sunoco, etc., were doing this as a kindness. He said that part of his concern with this is how strict we expect to enforce some of the items here. If it becomes too big of a burden for the property owners in the community they are going to say the heck with everything. It is unfortunately one of the easiest answers. He said that looking at the pictures provided by the Building Department none of them seem to be in disrepair in our community. He said his biggest concern with the legislation being proposed is the fee. The nonprofit organizations are supposed to be getting some type of return from having these boxes. We are not supposed to be making money off of it. If it's a \$50 one-time fee, he might be able to see that so that if the box is ever abandoned, then we would have to do something with it. He said that he feels \$100.00/year is a very high fee. He said that the number of the boxes he expects that are going to be abandoned in the long run, we could probably get away with \$20.00 per box onetime fee and the amount of money this would generate would more than cover the cost of removing a few of these boxes should there ever been a need. He feels that the property owners are doing this out of the kindness of their heart, the people donating items are doing out of the kindness of their heart, and now all of a sudden we are taking \$100.00 per box. He said that he does not like this idea. Mr. Jordan said that if Council feels that the fee is too high they are certainly welcome to change it. This amount was suggested by a draft ordinance that we obtained from another community. Mayor Stefanik said that in the past month he contacted Planet Aid because he donates to this box and they mail him a tax receipt for these donations. He said that he also discussed this with other Mayors and they are anxious to see what we do. He spoke with a woman at Planet Aid and she offered to come and talk to us because she does not think that \$100.00/year is excessive. She thought it was more than fair and they would even work with the schools to locate boxes and give a portion of the proceeds they make back to the school. Mayor Stefanik said that when this was first brought up it was just clothing boxes, not the paper recycling boxes because they support local charities such as Boy Scouts, athletic teams, etc. He said that when the boxes are overflowing we need to know who to call and we need someone responsible. Mayor Stefanik said that he would be happy to contact Planet Aid and ask them to attend the next B&BC meeting. Mr. Antoskiewicz said that currently, most of the boxes are in good shape, but we are not regulating just for today. Eventually these boxes will sit outside and get to where they are in need of repair. He said we just went through a review of the zoning in the city and asked if we want to see these boxes in the TCD district. He said that was never his intent to have the Building Department go out and have them all removed from the city since there is no current regulation allowing them. He does feel that there should be an established place for them and if we regulate them it will make everything simpler. Let the property owners decide if the fee is worth it to them to have the box on their property. He said that if the woman from Planet Aid had no problem with the \$100 fee, you know that she is making a lot more than that per box. He feels that we should exempt Public Facility zoning. He is not looking to take anything away from any local charity. Mr. Antoskiewicz said as Mr. Kulchytsky has stated before, we don't make money on permit fees, but there is a cost of doing business. Mr. Kulchytsky said that permit fees attempt to cover the costs of inspections, etc. The \$100 amount was in an ordinance that they felt was well written. This does not have to be the final number. Mr. Jordan said if Council would give them some direction they could go back and try to simplify the ordinance. Mr. Kasaris felt that an ordinance like this is necessary because we are allowing them to be set up throughout the city with no regulations. He said that we are providing a benefit to the residents by allowing these boxes in the community as opposed to not allowing them. He said that he feels we should not be charging the schools for anything, whether it is for Police Officers, school bus parking, etc. It is the same tax base. Mr. Nickell felt that we need more thought on this. Mr. Jordan said that it is a general assumption that these organizations are not for profit and that the property owners that are locating these on their property are providing that space for free. He said in many instances this is not accurate. Mr. Langshaw said there are a number of these

located throughout his ward. Whether it is a school, a church, or a tax exempt organization, he feels that their fee should be waived but still be required to obtain a permit. He asked if these boxes will be inspected annually and will there be something visible, such as a sticker, so that residents know that this has been inspected by the Building Department? Mr. Jordan it was not their intention to use stickers. He said the purpose of the annual fee was for us to have the inspectors go out and check to see if the boxes are still there or if there are more boxes than were applied for, similar to the annual inspection we conduct on amusement devices throughout the city. Mr. Kasaris said that since it is a movable container, they should be inspected annually.

## 5. **Building Fees**

Mr. Jordan said that a lot of work has gone into this from the Building Commissioner, the Law Department and the Council Office. He said that they have further refined the ordinance since the last meeting and asked if there were any questions. Mr. Kulchytsky explained that we are implementing a new process and completely deleting the commercial section and replacing with a new code. We will no longer be using the ala carte method and will be using a formula based on the type of construction. These fees are an effort to adjust the costs to cover state required inspections for construction projects that occur within our city. The new fee structure allows us to base those fees on the complexity of the project. For example, there will be more inspections required for a hospital than there will be on a warehouse facility. The fees will now be calibrated based on a system that has been around for quite some time and will make it easier to implement on our end. He said the fee schedule has gone from about 29 pages down to about 14 pages. He said that he is excited about implementing this and it will be a huge time saver for the Building Department. He said that while we made sure that our fees were not out of line with other municipalities, our fees are still lower than almost all adjacent municipalities. Mr. Jordan said that we are implementing a formula system based on the type and size of the building. Council will have the option of changing the formula by adjusting the modifier up or down as needed. He said that the Building Department will work with the Finance Department to ensure that we accurately account for the real costs of the Building Division. This formula can be revisited on an annual basis. We will do this again next year. We will get a very accurate accounting of what the actual costs are for the Building Division and adjust this modifier accordingly in the future. Mr. Nickell stated that this will not only save the Building Department time, but it will save time for the contractors as well. He felt that this will make us more building friendly. Mr. Kasaris asked about the BZA fees that haven't been raised since the 1980's. Mr. Kulchytsky said that at Mr. Kasaris' request, he took a look at these fees and found that we are still at a reasonable level compared to our adjacent neighbors. He does not recommend an increase at this time. Mr. Marnecheck said that this is great. It is going to give a lot of certainty and predictability to people who want to develop in our community. He feels that with Mr. Jordan and Mr. Kulchytsky it is a brand new building department. They have brought the department into the 21<sup>st</sup> century. He said it is very encouraging. Mr. Kasaris said that he echoes Mr. Marnecheck's comments. They are doing a great job.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **recommend approval of Ordinance 14-45 to Council**. Yeas: 3. Nays: 0. **Motion carried.**

## **ADJOURNMENT**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz, to **adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried.** Meeting adjourned at 7:30 p.m.