

**STREETS COMMITTEE MINUTES  
OCTOBER 2, 2018**

The Streets Committee meeting was held on October 2, 2018 at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:15 p.m.

**PRESENT: Committee Members:** Chair Cheryl Hannan, Vice Chair Larry Antoskiewicz, John Nickell; **Council:** Gary Petrusky, Dan Langshaw, Paul Marnecheck, Dan Kasaris; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, City Engineer Mark Schmitzer, Service Director Nick Cinquepalmi, Wastewater Supt. Dave McNeeley; **Other:** Robert Witsaman.

**APPROVAL OF MINUTES**

Moved by Mr. Nickell, seconded by Mr. Antoskiewicz to **approve the September 4, 2018 Streets Committee minutes.** Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Issue 1 Funding**

Mr. Schmitzer said that the application has been submitted for Abbey Road. Mrs. Hannan asked for the timeline for this process. Mr. Schmitzer said that we should hear something by late November/early December about the awards. There is a period for appeals and then the DOPWIC committee sends their recommendations in January to the state. The agreements are then sent to the municipalities in April and the money becomes available July 1<sup>st</sup> for all those who received awards. Mrs. Hannan asked if the work would be finished that same year. Mr. Schmitzer said yes. Mr. Nickell said that the other side of Abbey Road was done with slag, and asked if we will be ready for that. Mr. Schmitzer said that the other side was a different process and we are not using this process for the southern part. We are using the single pass process which we know works. Structurally this should fix everything and strengthen the road.

**2. North Royalton Alternative Transportation Study**

No update. Mr. Kasaris asked about grant money for the continuation of the sidewalk on State Road going south. The Mayor said that we are in the process of applying for this now. Mr. Kasaris asked if we know the cost. Mr. Schmitzer estimated it at \$2,000.00+. Mr. Kasaris said that this might take us all the way down to the new school's sidewalk. Mr. Schmitzer said we will try but may not have enough money from the grant. He said that he plans to discuss with the schools the possibility of getting the sidewalks to meet.

**3. Service Department Report**

A copy of this report is attached to these minutes. Discussion about some of the projects in the report ensued.

**4. 2016 Infrastructure Program**

No update.

**5. 2017 Infrastructure Program**

Mr. Schmitzer said that a few items on the punch list are still being addressed. A little more than a year remains on this warranty.

**6. 2018 Infrastructure Program**

Mr. Schmitzer said that we are a little more than half way through the program. S. Akins and Edgerton are done and final walk throughs will be scheduled. Sprague Road is done and the Police Station will be completed by the end of this week. The waste water treatment plant will be next. We will then get to the 5 roads with the repairs to the failing base. The chip seal will be carried over until the spring of 2019.

#### 7. **Curb address painting solicitors**

Mr. Langshaw said that he is introducing legislation to amend the soliciting ordinance by strengthening the penalty from a minor misdemeanor to a fourth degree misdemeanor. He said that Parma and Strongsville have the same penalty as he is proposing. He said that Mr. Kasaris had stated that he wanted some exemptions for religious organizations, civic groups and political organizations. He provided the committee with proposed language, a copy of which is attached to these minutes. It was agreed to take this out of the Streets Committee because it is also in the Safety Committee and we can hopefully address this at the next Council meeting. **Remove from committee.**

#### MISCELLANEOUS

Mr. Nickell said that the catch basin in front of Advanced Auto is getting pretty bad and asked if this is something the city will address or are we waiting for the state to come through. Mr. Schmitzer said that this has been included in the Rt. 82 resurfacing plans, along with the curb on both sides of Rt. 82 going up the hill.

**Robert Witsaman**, 3135 Wallings Road, addressed the committee. He said that he owns a business at 10911 State Road. He said that he is here this evening to better understand how our codes and ordinances are enforced. He believes that our zoning codes and ordinances should be written and enforced to ensure a safe and healthy environment for our residents, visitors to our commercial areas and for businesses to compete on a fair and equal standing. He asked how a business can set up in a residential area and not comply to any current laws and be allowed to operate for 3 weeks with no payroll, no sales tax, no license, no insurance. He said that they clearly preplanned this because there is a Facebook page that calls it a home and garden store located at 14060 Ridge Road. They call it Pumpkin Patch. They are currently building a fence to Ridge Road and he asked if they have permit for that. Mr. Witsaman said that he has lived in North Royalton since 1980 and has invested in this city because he saw opportunity. He has the right to defend his investment and he believes the city has an obligation to enforce the codes to protection his investment. The ordinances should be rewritten so that if a person tries to open a retail outlet such as this without permits and against the codes, they should be issued an immediate cease and desist with a 24 hour penalty. Not 7 days, not 14 days. He said that there have been 3 weekends that have affected his business and potentially the cost of his payroll per week. This should include any temporary or seasonal sales opened in any zoning classification not relating to that existing business. A permit should be designed to provide a federal ID number, a state sales tax ID number, employees for payroll, etc. Safety is an issue. Is it worth backing out onto a busy main street and getting into an accident for a \$3 pumpkin. He said that he is here because he would like to be a part of this solution. He was told that this is something the city never had to deal with before. He said that it doesn't just pertain to his business, but many others as well. He said that if the laws are not written the way he suggested, they should be rewritten. He said that is what Council is here for; to ensure a good business environment and bring business into this community. He said that he competes against other businesses every day, but we all have the same costs involved. He said that he is not talking about someone who grows a garden in their backyard and puts some stuff in his yard for sale. He said that this was a planned retail operation with 20 pallets of product. He said the way the codes are currently written, if he has to wait 14 days he loses 3 weekends and 3 weeks of payroll. He said that they undercut all of his prices, but they are not paying the taxes, insurance, and payroll that he has to pay. Mr. Kasaris asked what business he owns. Mr. Witsaman said he owns Royal Victorian Garden Center on State Road. Mr. Kasaris asked how long he has owned it. Mr. Witsaman said that it has been an operating garden center since 1999. Mr. Kasaris asked how many people he employs. Mr. Witsaman said 15-20 at peak season. Mr. Kasaris asked how many between September and December. Mr. Witsaman said 6. Mr. Kasaris asked how the pumpkin sales he is referring to has affected his business. Mr. Witsaman said that he drove by and saw 4 of his customers in their front yard. He said that if they are doing \$100-\$200 per day and taking these sales away from his business, that equals his payroll for a week. He said that this is about fair competition. Mr. Kasaris asked how many businesses like Mr. Witsaman's are in North Royalton. Mr. Witsaman said 7 or 8. Mr. Kasaris said that this activity would then undercut all 7-8 businesses. Mr. Witsaman said yes, and if we don't have laws and ordinances to control this, what

is to stop someone from putting up more of this. He also said that there was nowhere for cars to turn around and they had to back out onto a state highway and that is illegal. Mr. Kasaris said then there are concerns with safety, income revenue, employees, etc. He said that there are several policies here that Mr. Witsaman is addressing and bringing to the city's attention. Mr. Kasaris said that he appreciates this. Mr. Langshaw said that the situation Mr. Witsaman is talking about is in his ward and there is also another similar situation in Ward 6 on Edgerton Road. He said that his residents have complained and said that the Building Department has cited the property and it is his understanding that they have 7 days to comply. Mr. Witsaman said that it will be almost 3 weeks from the first time he called about this. He was told at that time that a letter will be sent and that they have 14 days to comply. Mr. Witsaman said he asked what happens after 14 days. He was told that another letter will be sent. Mr. Witsaman said that they won't be there by that time because it is a seasonal business. Mr. Antoskiewicz said that after he received a phone call from Mr. Witsaman last week, he contacted the Building Department and Assistant Law Director. He said that they tried to work through it and reduced the compliance time down to 7 days. He said that he knows that Mr. Witsaman has spoken with everyone on Council prior to this evening and felt that they have good understanding of what is going on. He said that we are currently in the remedy process and he said that the process is just about done and Mr. Witsaman's problem will be taken care of. Mayor Stefanik said also that this will not happen again moving forward because these people now know what the ordinances and law are. Mr. Witsaman says that if he gets stopped by a police officer because he has broken a law, he does not get 14 days to comply. He said that this is a law that has been broken and he thinks the waiting period requirement should be rewritten. Mr. Kelly said that the ordinances are written sufficiently to be enforced. There was a slight misunderstanding on the part of the Building Department. Mr. Kulchytsky has history of enforcing zoning regulations that are more in the nature of neighbor to neighbor types of experiences where we are intent upon compliance. This is not such an incident. Mr. Kulchytsky has been advised as to how to handle these things in the future. There will be no more 14 day delays. There will be no more letters going to people. He said people will be cited forthwith. We hope that this will resolve the problem going forward. He said that he appreciates Mr. Witsaman's comments and his concerns and we have addressed them. This matter is about to be resolved. In the future, there will not be any delays such as were experienced in this case. It really amounts to a misunderstanding about the nature of the enforcement of certain ordinances vs. others. He said that are many instances where we give people 14 days to comply however this is not a matter for which 14 days ought to have been afforded and we have diminished it to 7 and should be resolved very shortly. Mr. Witsaman said that he appreciates what is being done. Several members of Council thanked Mr. Witsaman for bringing this to our attention.

Mayor Stefanik said that the electrical upgrade for the City Green is on Council's agenda this evening and asked Mr. Schmitzer for an update. Mr. Schmitzer said that the bid opening was today at noon for the rebid of the City Green electrical. He said there were four bids submitted. There was a base bid and 5 alternates contained within. Alternates #4 and #5 were put in as a stop measure incase we did not get a base bid that fell within our budget of \$125,000. These items were means to be a deduct allowing us to still do the project but with lesser material, lesser quality and still meets all codes. He said that we received one base bid that was under the budget. He said that an issue arose in that the low bidder did not stipulate that Alternates #4 and #5 were deduct items and all other bidders did. This did not matter because we didn't have to entertain Alternates #4 and #5 because we got a bid below budget. Alternate #1 was to make all of the lights LED lights. Alternate #2 was to update all of the wiring within the light poles, all of the control switches within the light poles and add an outlet receptacle at each light pole. Alternate #3 was to install LED lights on the gazebo. What is being presented to Council as a recommendation as the lowest and best bid includes the base bid and Alternates #1, #2, #3 for roughly \$166,000. It is a little more than our budget but he wants to authorize the additional alternates now in case we want to do them and that way we won't have to come back to Council. Mr. Antoskiewicz said that he supports the alternates as being necessary. It makes sense to do it all at once. Mr. Nickell agreed. Mr. Kasaris asked why there is such a big difference in the base bid between Williams and Fowler. Mr. Schmitzer said it's the same thing he sees with road program bids, etc. It's about who has a workload and who doesn't. His guess is that this company felt they could commit to it because they don't have that much work so they can actually reduce their prices. Mr. Kasaris said then we are not expecting a lot of change orders. Mr. Schmitzer said no. The

plans are very clear on what is to be provided. We should not have to spend much, if any, of the \$12,500 contingency. Mr. Marnecheck asked if doing the alternates at a later date would be more expensive than doing them now. Mr. Schmitzer said absolutely because you would have to pay for the mobilization again. Mr. Kasaris asked where the money will come from. Mayor Stefanik said it will come from the Future Capital fund.

**ADJOURNMENT**

Moved by Mr. Antoskiewicz, seconded by Mr. Nickell **to adjourn the October 2, 2018 meeting.** Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

**Meeting adjourned at 6:50 p.m.**

Street Department & Storm Water Monthly Report – September 2018

9/4/18-Tues.

Asphalt-Rt.82

Kingston Retention basin- Remove debris from inlet pipe clean concrete trough.

9/5/18-Wed.

Asphalt-Rt.82

Kingston Retention Basin- clean concrete trough.

Sealing-YMCA parking lot

9/6/18-Thurs.

Asphalt-Rt.82

Sealing –YMCA parking lot.

9/7/18-Fri.

Asphalt-Rt.82

Sealing –YMCA parking lot.

9/10/18-Mon.

Storm Water-check & clean all storm structures, we had a lot of rain over the weekend.

Patching- North Akins, Abbey and the Trails Subdivision.

9/11/18-Tue.

Asphalt-Edgerton Rd. grind out and install asphalt strips [in the 6500 block].

Concrete- pouring a new pad around the salt barn.

9/12/18-Wed.

Asphalt- N. Akins intersection.

Concrete- continue the work around the salt barn.

Sealing- Finish sealing the YMCA

9/13/18-Thur.

Asphalt- N. Akins.

Concrete- Continue the work around the salt barn.

The property South of 8980 York Rd. A tree fell into the creek blocking water flow; we removed and hauled it out.

9/14/18-Fri.

Crack Sealing-all recent joint repairs & concrete repairs, Camelot Estates, Wood Ov., Worthington Way, Glen Abbey, Harley Hills and Timber Ridge.

York Rd. Retention Basin- install new gate on the access road.

9/17/18-Mon.

Crack Sealing-W130th, N. Akins and start on York view Dr.

Concrete- set up forms for the last pour around the salt barn.

9/18/18-Tues.

Crack Sealing-finish Yorkview and Applewood then start in Pinestream development.

Concrete- pour the last slab around the salt barn.

9/19/18-Wed.

19401 Wiltshire Rd -Lower ditch jet and Vac. storm line.

Storm Water-12790 Patricia – Sink hole Hydro excavate replaced crushed 15” clay pipe with 15” ADS pipe and backfilled with stone 4” below grade. We will landscape after it settles

Mowing- Guardrails.

9/20/18-Thurs.

Crack sealing- Pine stream.

Mowing-Guardrails.

Catch Basin Repair –South Hampton

Storm Water-Tudor Circle, Cleaned concrete trough.

9/21/18-Fri.

Crack sealing-Pine stream.

Catch Basin repair- South Hampton.

Mowing-Guardrails.

Patching- Woodside Dr.-Greenwood Rd.

Storm Water-Ditching, 9065-9057 West W130th

9/24/18-Mon.

Asphalt- N. Akins.

Catch Basins-set up and pour four rebuilt basins in South Hampton.

9/25/18-Tues.

Asphalt-N Akins.

Saw cutting- catch Basins- Huntington Close.

10037 Jamestown Tree clean up.

9/26/18-Wed

Ditching - Sprague Rd.

Vac Truck- Jetting 11694 State Rd, Sprague Rd, w130th

Storm maintenance- Cleaning grates, headwalls

Catch Basin Repair- South Hampton.

9/27/18-Thurs.

Catch Basins Repair- South Hampton.

Asphalt- Akins Rd.

9/28/18-Fri.

Catch Basin Repair- Poured 3 rebuilt basins, replaced 3 sidewalk sections at 8139 Washington.

Crack sealing- Pine stream.

11694 State Rd- Hydro excavated and replaced a 4’ section of 12” clay pipe backfilled and landscaped.

Soliciting Ordinance Draft Changes

(Proposed Change requested by Kasaris)

**862.02 LICENSE OR REGISTRATION REQUIRED**

No peddler or solicitor shall peddle or solicit within the City, unless he or she is the holder of a valid license issued pursuant to this chapter or unless he or she possesses a valid solicitors identification card previously issued pursuant to these Codified Ordinances, hereinafter subject to the regulations applicable to licenses issued pursuant to this chapter.

*(a) The following persons shall not be required to obtain a license or pay a license fee as provided in this chapter:*

*(1) Any person soliciting contributions for, or offering for sale, any goods or publications for any religious, charitable, civic, educational or political organization or candidate.*

(Proposed Change by Langshaw)

**862.99 PENALTY**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a **misdemeanor of the fourth degree for a first offense**; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. ***Whoever is convicted of or pleads guilty to a misdemeanor shall be sentenced in accordance with Section 698.02.*** A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 94-201. Passed 10-18-94; Ord. 05-13. Passed 3-15-05.)