

## **BUILDING & BUILDING CODES COMMITTEE MINUTES SEPTEMBER 16, 2014**

The Building & Building Codes Committee meeting was held on September 16, 2014, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:05 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, Law Director Thomas Kelly, Service Director Nick Cinquepalmi, Finance Director Eric Dean, Community Development Director Thomas Jordan, Assistant Law Director Donna Vozar, Building Commissioner Dan Kulchytsky, Other: Joseph Sholtis, Ryan Karle, Dr. Aundree Young, Nancy Nozik, Brandstetter and Carroll.

### **APPROVAL OF MINUTES**

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris to **approve the July 15, 2014 minutes** as received.  
Yeas: 3. Nays: 0. **Motion carried.**

### **UNFINISHED BUSINESS**

#### **1. City Hall update/project**

Mr. Jordan said that the moving date is scheduled for November 7, 2014 so Council Chambers should be up and running by the second meeting in November. Mr. Jordan gave an update on the progress of the renovation, noting that most of Council had recently toured the facility. He said that the stormwater improvements are almost complete and renovation has begun on the restroom facilities at Memorial Park. The next step is to remove the existing playground and install the new one. Mr. Jordan discussed the change order for this project that is on Council's agenda this evening. He said that they total \$48,695. He said that when the initial criteria was established, these items were not included but were determined at a later date to be necessary. The first item is the trash area. We were originally going to use the trash area that the park uses but after closer examination during the planning process it was determined to be too small and in the wrong place, so we moved it closer to the city building. This allows for easier access and it removes it from the entry point to the park. He said that we had to extend the parking lot area out over some utilities and put in an extensive amount of concrete footers that could handle the weight of the truck as well as the dumpster. He said that there is a masonry wall to screen it and another brick façade on that to match the building. He said it is an expensive trash/recycling area but it is not behind a loading dock in the rear of a building; it is actually in the front entry way of the City Hall. He said that they tried to economize as much as possible. Mr. Kasaris asks how this relates to the actual budget for the project. Mr. Jordan said that everything on this change order has been added to the scope of the project and therefore increases the value of the contract. He said that there is an \$80,000 contingency built into the contract for unforeseen conditions in the project. We have used approximately 60% of this contingency. These changes are added to the scope of the original project so this is why it falls into the change order category rather than the contingency fund. The second item is the north patio mounding and site work. Mr. Jordan said that the city directly hired First Energy to remove the pole lines which saved us over \$150,000 vs. contracting the work out. He said that there was a tree line with a shrub area, but now that the work is done and that tree line has been removed, you can actually see the back door of the building. There is no screening whatsoever from State Road to the rear entryway of the building, so the mounding is necessary in order to screen the back of the building. The third item is the demolition and replacement of the electrical room doors. When the building was built in the 1970's, the room was designed to only have access to the exterior of the building. In the initial criteria, we did not include replacing those doors since the public was not going to use them and they were not on the front of the building nor visible. He said that these doors have been used during the course of the project and the bottoms of the doors have rotted out and no longer close properly, so these steel doors need to be replaced. Mr. Jordan said that the fourth item is for an additional fire shutter at the transaction window. This window is glass and it is supposed to be fire rated to segregate the finance area from the corridor to keep a fire contained if needed. He said that when we originally scoped the project, we thought about putting one in, but the aesthetics were a problem

and it was impractical to have to roll it up and down every day. This new shutter will be activated only if the fire alarm system goes off. Mr. Jordan said that this is a code compliance issue. The fifth item is the landscaping allowance overage. He said that we added additional landscaping on one side of the building as part of the electrical underground project. He said that he had hoped that we could have included the IT and AV change orders this evening as well, however we have some remaining questions for the subcontractor and Krill about pricing. He said they hope to have this for the next meeting. He said that the cost will be somewhere between \$30,000-\$45,000. He said the changes allow for additional AV and IT capabilities within the building. Mr. Kasaris asked where we stand in regards to the original budget. Mr. Jordan said that when you look at the entire project including the money for Krill and the additional sources of money for the fiber optic lines and the phone system, we are under budget by approximately \$100,000 as of this date. This does not take into consideration the change orders mentioned earlier for the next Council meeting. He said that he is hopeful that those will be the last change orders we will have. Mr. Jordan said that the only thing he can think of that might occur is the base repair on the parking lot. We have an allowance set aside for this but we don't really know what the base is until we get the top off. Mr. Jordan explained that there was some work that was done in house so that there was no need for additional change orders. Mr. Jordan explained that when additional work is presented to us that is outside the scope of the project, we have four options: modify the request, accept the request, refuse the request, or do it in house. He said in two instances we did it in house. One was the storm water work in the park and the other was to clear a blocked sewer line under the parking lot. Mr. Jordan said that Krill has come to us many times with options to save money which have resulted in approximately \$25,000 in savings that goes back into the contingency. Mr. Jordan said that the overall bidding packages came in lower resulting in a \$3,000 savings which also went back into the contingency. Mr. Nickell asked about the sidewalk in front of city hall. Mr. Jordan said that we are schedule to do those in house but did not think it will be done this year.

## 2. **High grass cutting**

Mr. Jordan said that they are winding down the high grass citations. Mr. Marnecheck asked for a summary of what was done this year. Mr. Kulchytsky reported that we experienced a 30% reduction in citations this year. We went from 134 citations last year to 94 citations year to date. He said that many of the habitual offenders have started cutting their own grass. **Remove from agenda.**

## 3. **Old Clark station property**

Mr. Jordan said that the status of this item remains unchanged. It is hopeful that the current owner of the property will sell it to one of the adjoin land owners. **Remove from agenda.**

## **NEW BUSINESS**

### 1. **Fence ordinance**

Mr. Kulchytsky said he has identified five areas of the existing fence ordinance that he believes can be improved and clarified. He has reviewed the fence ordinances of adjoining communities. He said that we have many issues with our fence ordinance as it currently stands. One is that we need to categorize the fence types that we have in our city as to what is permitted, conditionally permitted or prohibited. These need to be defined clearly for the residents and for our enforcement purposes. We also need to clearly define what we expect a fence to be in each situation. Installation issues are also a problem. The quality of installation, depth of footers and fence on fence installations are unique situations that we do not address in our code. Our code does not prohibit someone installing a fence next to their neighbors fence. We don't cover conditions for temporary fences such as snow fences or safety fences. Mr. Kulchytsky said our current code does not provide us with adequate controls over fences below 48 inches in height. We also need to resolve side yard fence setbacks for corner lots. Our current code is very complicated and has resulted in many zoning appeals before the BZA. Mr. Petrusky asked if residential lots require a survey, and if not, do the neighboring property owners at least have to sign off so that are no challenges after the fence is installed. He said that he knows that other cities either require a survey or the neighbors must sign a release before the fence is installed. He said that he would like this added into our code as well. Mr. Kulchytsky said he would like the rest of Council to weigh in on this. He said adding this would require a registered surveyor to come in to survey the property. He said that in many instances of larger lots this

would be a significant financial burden. Mr. Antoskiewicz asked if the person installing the fence needs a permit. Mr. Kulchytsky said yes, but we do not check the property lines. Mr. Jordan said that as part of the permitting process, the property owner is required to show the property line and where they are locating the fence. This is the representation that the city accepts. Whether this representation is actually surveyed is another issue. Mrs. Vozar said that this doesn't just apply to fences, what about accessory structures. Are you going to require them to get a survey to show that it is 10 feet off the property line. It's a question of how far we want to take this. Mr. Petrusky said that 10 feet off the property line is not the same as right on the property line or even over the line. He said this is a legitimate concern and understands that the cost of a survey is an issue. That is why he suggested that there be a neighbor agreement. He said that this is what the fence company did when he installed a fence at a previous home. Mr. Kelly said that this is a valid concern. However the problem is compounded when there are neighbors who don't care for each other. The city has a role to play in seeing to it that the structure is appropriate, that it meets the code, but cautioned against closing in on civil disputes. He said that these are civil matters between neighbors and ought to be left as such. Mr. Kelly said that he understands that Mr. Petrusky is looking to avoid arguments or conflict, however he suggested this may create as much conflict as you are trying to avoid. Mr. Petrusky said that he had two issues this past summer with constituents complaining about fence placement. He explained to the residents that it is a civil matter, but the city was dragged into it in a roundabout way. Mr. Kelly stated that we would have been more deeply involved in this if we had done what Mr. Petrusky is suggesting. Mr. Petrusky asked if we could put something into the code that says the fence needs to be 3 inches off the property line. Mr. Kelly said that we might rather wish to warn residents that putting the fence too close to the property line may result in their being involved in civil litigation. Mr. Antoskiewicz asked if Mr. Kelly's suggested notification is something that could be included as a notation on the building permit. Mr. Kelly said yes, we could give them a notice that states that the burden of placing the fence properly on their own lot is solely on them. Mr. Kasaris said that we need to make it clear that when we grant the permit that we are not saying that we will be involved in any border disputes. Mr. Marnecheck asked if an existing fence needs replacement, are they grandfathered under the old code or would the new code parameters apply. Mr. Kulchytsky said that if the fence needs to be replaced in its entirety, it would fall under the new code. Mr. Petrusky said that he would also like to revisit the issue of residents who use temporary fencing such as snow fencing, construction fences, etc. as permanent fencing and how we can correct this problem. Mrs. Vozar said that they are looking at changing the wording on the permit application to address a number of these issues. Mr. Nickell said that we can continue this discussion further when we receive the code drafts.

## 2. **Open permit process**

Mrs. Vozar said that we have been named in lawsuits several times because the resident was trying to go after a contractor's bond. The bond is in the city's name so they were trying to involve us in their lawsuit. Mrs. Vozar said that there was nothing that we could do because the bond is there for the benefit of the city. If we need to go in on an emergency we need that money, but there are times when we would never use the money and it was unfortunate that the resident was unable to attach it. This proposed change would allow for \$25,000 to be available to the residents in the event that we didn't need it and a resident did. This would be determined by the Building Commissioner. Mrs. Vozar said that she will forward the proposed language to Council.

## 3. **Electrical Safety – New Section 660.22**

Mr. Kulchytsky explained the State of Ohio no longer regulates any outdoor electrical installations such as pools, hot tubs, hydro spas, etc. They have removed this from the Residential Code of Ohio. Therefore, we need to have an ordinance that refers these installations back to the National Electrical Code so that the work is performed correctly and safely. Furthermore, he said we have modified our ordinance to ensure that it is a registered and qualified electrical contractor that performs this type of high risk work.

**4. Fair Housing Review Board**

Mrs. Vozar said that the legislation appointing this board is on Council's agenda this evening. She said that we are hopeful that the board will bring some new and fresh ideas to this issue. Mr. Kasaris asked what the boards' duties will be. Mrs. Vozar said that the board will meet and establish what it is they wish to accomplish and how they wish to do it. They will also need to establish their meeting schedule. Mrs. Vozar said that they will probably want to have a work session in the near future and decide how often they want to meet. Mrs. Vozar said that we are having a fair housing training seminar here at City Hall for employees on September 30, 2014 at 10:00 and will be put on by the Housing Advocacy. Mr. Langshaw felt that education is key on this issue and urged the board to reach out to the various condo and apartment associations with materials or training. He felt this would be helpful to the entire community. Mrs. Vozar said that the city has always advocated for fair housing and for instance there was information and posters as the city's table at Home Days. Information is available for our residents at the Building Department as well. This is just a continuation of what we need to do as a city.

**ADJOURNMENT**

Moved by Mr. Antoskiewicz , seconded by Mr. Kasaris, **to adjourn the September 16, 2014 meeting.** Yeas: 3. Nays: 0. **Motion carried.** Meeting adjourned at 8:00 p.m.