

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

The Building & Building Codes Committee meeting was held on February 18, 2014, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:23 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, Finance Director Eric Dean, Asst. Prosecutor Donna Vozar, Community Development Director Tom Jordan, Building Commissioner Dan Kulchytsky; Other: Alberto Panecasio, Rex Lewers, Ed Stolla, Cathy King.

**APPROVAL OF MINUTES**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the January 21, 2014 minutes** as received. Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

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

Mr. Jordan said they are waiting for the report that will detail what remediation is still necessary. He said that he knows that there will be some remediation. We still need to get a “no further action” letter from the state. We may leave that final piece of remediation to the future property owner. The concrete and remaining foundation will need to be removed. Some of the contaminated soil still needs to be removed and we will finish it up in the spring with seeding. Mr. Jordan said that there is still a very unclear title on the property. The idea is after the work is finished the county will pay the bill and place a lien on the property for the cost and take the property to a tax foreclosure sale in order to clean up the title. It may be offered back to the city at that point or a party may emerge and try to acquire the property directly through the tax foreclosure sale. The title issue must be cleared up before anything can be built on this property. What we have accomplished is getting the building torn down and the property cleaned up as far as we could. Mr. Jordan said that we will maintain the property until it is sold.

**2. Home Demolition**

Mr. Jordan said that there is still some site work that needs to be done on the two homes that were demolished on West 130<sup>th</sup> and on Akins Road. Mr. Jordan said that we demolished these two through the county grant, a homeowner stepped forward and took down the third, and then there were two others that were improved by the homeowners that were acceptable to avoid demolition. We don't have any demolitions currently lined up. There are a few homes such as the one on Patricia that we are monitoring. If the situation deteriorates where we feel that the house is a danger to the community we could declare it unsafe. There has been communication with the property owner over landscaping and repair assessments we have made to the property. Discussion took place regarding the Knitt property on Albion and the need to remove some outbuildings on the parcel. Various alternatives are being considered but Mr. Jordan said that the county is unwilling to do this one because the property has an owner and is occupied.

Mr. Marnecheck asked if there are any county programs or even nongovernmental help available to residents should they be required to demolish their home in the future. Mr. Jordan said there are three different programs that he is aware of. If an elderly resident cannot afford repairs to their home due to income problems there is a county program that uses federal funds that would lien the house for the cost of the repairs and would not have to be repaid until the house is transferred. For residents that have lower incomes there is another program with the county for that. Low interest loans are also available regardless of income through the HELP program. There is also the Heritage Home program for homes over 25 years old.

### 3. City Hall update/project

Mr. Jordan said that as everyone knows we are doing a design build process. We went through an RFQ process and had approximately 12 responses and we narrowed it down to 4; Higley, Panzica, Turner and Krill, which were confirmed by Council. We scheduled interviews for all 4, but Turner withdrew on their own. We went forward with the remaining 3 interviews and have a recommendation from the 3 member committee to select the Krill Co. as the best value for the city and this is on tonight's agenda. Our technical advisor Brandstetter Carroll and outside counsel Bricker & Eckler have reviewed the proposals as well and have also recommended the Krill Co. Second place was Higley and 3<sup>rd</sup> place was Panzica. At this time we do not have an overall price. They have provided a preliminary service fee. By accepting the Krill number, you are authorizing money to get them to a guaranteed maximum price. They have indicated that they can do it within the \$1.6 million budget that was outlined in the criteria; however we are giving them this preliminary service fee to take the existing criteria developed by Brandstetter Carroll to the next stage which is to the guaranteed maximum price. In a subsequent agreement Council will authorize and accept what their guaranteed maximum price will be, provided Council feels that it is acceptable and is not out of line with the budget and what the city feels it should be spending on a new City Hall. They submitted in their proposal a percentage of how they would break out what their guaranteed maximum price would be relative to contingency, general conditions, cost of work, design fees, etc.

Mr. Jordan said that this is the largest part of the project. An alternate listed in the proposal was for \$300,000 to take down the phone lines that run east and west next to the building. He said that he and the Mayor have met with CEI and we may engage them directly to take these lines down at a substantially reduced price. We are still working on the design and scope of the work but it looks like we may be able to do this for less than \$50,000. In addition the city is replacing their entire phone system in all the buildings. We still have yet to get that solicitation out to the various providers. In addition we are trying to do a fiber optic network cable system for all the city facilities and are looking at various options for this. Mr. Jordan said that we have certain obligations owed to the city from all of the internet providers that are located in the city. We are trying to get them, under their agreements with the city, to see if they will contribute something to this project. Mr. Jordan said that he has the solicitation out for the asbestos removal for the building and it looks like less than \$10,000. He also will be getting out tomorrow the solicitation on the survey work for the site in order to move along the park project as well as the City Hall project. Mr. Nickell gave an overview of what the schools are currently doing with upgrading their phone and data systems. He said that there is internet service available from the Northcoast Council of Governments that the schools belong to. He said that the city should also be able to get the internet from the state and recommended that the city look into this as an option.

Mr. Muller asked how Krill was selected over the other companies. Mr. Jordan said that Krill has a very positive design build history and he even viewed one of their projects that was similar in scope to ours. Mr. Antoskiewicz said that there was a rating system they followed. He said all three companies were great; we could not go wrong with any of them. The rating system involved such thing as whether a company responded to the RFQ in a complete manner, past experience, cost control methods, etc.

Moved by Mr. Kasaris, seconded by Mr. Nickell to recommend approval of Ordinance 14-26 to Council. Yeas: 3. Nays: 0. **Motion carried.**

## NEW BUSINESS

### 1. Ordinance 14-17 – BZA and Planning Commission Secretaries

Mr. Jordan said the way these two positions are set up in the code, it appears that they were intended to be part time jobs. They are currently being performed by individuals who are already employed by the city in different capacities. The intent of this legislation is to have these jobs performed by one full time administrative employee during regular hours. This will create continuity between the boards and would not require an outside individual to be hired to perform these duties. He feels that the way we currently

have it set up resembles the way that it's done in townships, not cities. Mrs. Vozar said it is also important to have a full time person assigned to these duties in order to serve as the keeper of the official records of these boards. Mr. Jordan said that at the new city hall we will be installing sound system that does voice recognition that will take the minutes and the secretaries will be editing the voice recognition. Mr. Jordan said that the minutes will be less important with this technology improvement. Mayor Stefanik said that we are going to have Diane Veverka act as BZA and Planning Commission secretary. She will work 40 hours. If she is required to be here in the evenings, her daytime hours will be adjusted accordingly. Mr. Jordan said he is looking for a better quality application and that the issues are narrowed down prior to the meetings so that boards can act more smoothly.

Moved by Mr. Kasaris, seconded by Mr. Nickell to recommend approval of Ordinance 14-17 to Council. Yeas: 3. Nays: 0. **Motion Carried.**

2. **Charity Donation Drop Boxes**

Mr. Jordan said that these boxes have popped up all over the city but they are not permitted under our code. By installing a regulation we can regulate where they would go, charge them a fee. Mr. Antoskiewicz said that the reason he has brought this to committee is because we have had people calling about them. One of the issues we have found is that they are not all for charity. Some of them are actually for profit companies where they are collecting the items and selling them in resale stores. Mr. Antoskiewicz said when people donate to these boxes they are doing so with the intent that it is a charitable donation. He felt that if we regulate them, we can ensure that they are not placed in the right of way, we can regulate how many can be placed on a property, and make the owners of boxes responsible for their upkeep. Mr. Petrusky asked what would happen to the boxes already in place if we put regulations in place. Mr. Jordan said they would have to submit an application and pay their fee. Mr. Antoskiewicz said that we need to tweak the sample legislation to fit where we want to go with it but one of the items in the sample states that it must be a registered 5013C which would eliminate the for profit companies. He said that he doesn't think that the legitimate 5013C companies will have a problem obtaining a permit and this will provide us a contact number should the box be in need of attention. Mr. Kulchytsky said that this by extension would include various other types of collections boxes that we have throughout the city such as ABITIBI recycling bins that are very commonly located at schools. He felt that we need to have one ordinance regulating all types of these containers. Mrs. Vozar said that the argument for applying the ordinance to currently existing boxes is because you need to consider what the use of the property is currently. Using the schools as an example, what is the allowable main use and what is the allowable accessory use. It does not include a private organization running a business. They are not in conformance with our use regulations. Council could determine to allow them on Public Facility properties such as schools, churches, etc. Mrs. Vozar said that Council needs to determine where they want these boxes located. Mr. Muller asked who is responsible for obtaining the permit, the property owner or the box owner. Mr. Jordan said it depends on who we want to do it. We can allow the box owner to apply with the owner's consent. However, the property owner is ultimately responsible for any violations that occur. Mr. Marnecheck said that by creating regulations for these boxes, we are giving the city the ability to get out in front of this. Mr. Nickell suggested leaving this on the agenda and discuss further at that time. In the mean time each member can do a little research into this matter.

3. **Building Fees**

Mr. Jordan explained that what we are talking about tonight are only commercial building fees. He said that Mr. Kulchytsky has been working on these for several months and has brought a great deal of expertise to this project. He said we are changing the methodology in order to make it easier for people coming in to better understand what our building fees are and through the methodology, the actual fees will be changed as well.

Mr. Kulchytsky said there are a couple of ways that a fee could be issued by a building department. They fall into two categories. One is the "a la carte" method which means that it is a cumulative list

based on the current code. This is the method the city currently uses. He said that we have 18 pages of fees from which to pull these fees and it makes it next to impossible for a contractor or architect to sit down with our code on behalf of their client and figure out what all the fees will be. Mr. Kulchytsky said the current system we have in place would take one staff member almost an entire day to input all the data into the computer to determine the applicable fees. This methodology is not efficient nor is it user friendly. In the interest of streamlining the process, he is considering the other method which is based on the actual construction cost of the project. We have the International Code Council which provides us with our actual code manuals that the state and city currently use which provides fee schedules and recommended percentages, etc. A number of municipalities in our region use this method such as Strongsville, Brunswick, Broadview Hts. Parma uses the same method we are currently using. This method would reduce our current 18 pages to approximately 4 pages. Mr. Kulchytsky provided a draft of the proposed new fee schedule. This methodology is becoming more and more popular and has been around for over 20 years. He provided an analysis of two projects to show how the methodologies would actually look in terms of cost showing our current fee schedule and the proposed fee schedule using the new methodology and its comparison to our neighbors in Strongsville, Broadview Hts. and Parma. The new methodology does increase the fees, however we are still substantially less than our neighbors.

Mr. Jordan said that this new method would allow a contractor to be able to estimate on their own what the fees are even before they even apply for the permits by either using the code on line or calling the building department, answer a few questions and get an estimate of the fee. It will not require a great amount of institutional memory of our 18 pages of code anymore and it won't require a lengthy review by any of the staff. It is a methodology that has an equation it follows. Mr. Kulchytsky said that the formula takes the type of construction into consideration such as wood frame or masonry, etc. You then plug in the cost times the square footage, that gives you a number. We then use a multiplier and calculate the fee.

Mr. Kasaris asked if we would be looking at other fees such as board fees. Mr. Jordan said that right now we are concentrating on the commercial fees, with hopes of addressing residential fees, board fees, etc. in the future.

Mr. Antoskiewicz asked if we would only be issuing one permit for the whole project under this new procedure. Mr. Jordan said we would issue all permits that are applicable separately, but would only charge one lump permit fee.

Mr. Jordan said that contrary to what everyone believes, we lose money on every permit we issue, even with this new fee structure.

Mr. Kasaris asked who in the building department besides the Building Commissioner will be able to calculate these fees. Mr. Kulchytsky said that the inspectors should be able to handle it because it refers to Ohio Building Code regulations which talk about construction types and uses.

Mr. Jordan said that contractors are getting better and better on cost control and one of those reasons is that they know right from the beginning what these fees will be. Right now we cannot accommodate that. This new methodology will provide this information right from the beginning. Mr. Marnecheck felt this was a good way to ensure that we don't deter future business due to not being able to provide these costs upfront. Mr. Jordan said he wants us to be able to remain competitive and to have a building division that can answer these questions. Mr. Nickell said that he likes his idea and asked what is needed from the committee tonight. Mr. Jordan said that they will come back to the next B&BC meeting with prepared legislation so that the committee can fully see what we are proposing. Moved by Mr. Kasaris, seconded by **Antoskiewicz to recommend that the Building Division proceed with the preparation of legislation modifying the commercial building fee process.** Yeas: 3. Nays: 0. **Motion Carried.** This will be reviewed at the next committee meeting.

**ADJOURNMENT**

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris, **to adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried**. Meeting adjourned at 7:43 p.m.