

**BUILDING & BUILDING CODES COMMITTEE MINUTES
APRIL 15, 2014**

The Building & Building Codes Committee meeting was held on April 15, 2014, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:05 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, Assistant Law Director Donna Vozar, Finance Director Eric Dean, Community Development Director Thomas Jordan, Building Commissioner Dan Kulchytsky; Other: Alberto Paneccosio, Patrick Kearney, John Kearney, Valerie Walker.

APPROVAL OF MINUTES

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

UNFINISHED BUSINESS

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

Mr. Jordan said that the remaining structures have been removed, the contaminated soil has been removed, seeding and grading was done at the site. The closure report will be issued and sent to us. He said that the property was taken to a tax foreclosure sale by one of the lien holders and there is a new owner of this property. The title work issue may be a lot quicker than what we anticipated. He was contacted by the lawyers for the new owner who has just completed the title transfer. They will get back to him with their intentions for the property. One scenario that was previously discussed with Council was that the city might end up with the property if no one took it for the taxes but someone did pay over \$150,000 in outstanding taxes. He said about 80% of that will go to the schools. Mr. Nickell thanked Mr. Jordan and the Law Department for getting this done. Mr. Marnecheck asked who bought the property. Mr. Jordan said it is an LLC out of Lakewood, Ohio. Mr. Nickell asked if there are restrictions on the property. Mr. Jordan said that it is a very small parcel and the current code requirements would not allow them to construct what was there before without a significant amount of variances.

Remove from agenda.

2. **City Hall update/project**

Mr. Jordan said that they are proposing a special meeting for next week. He said that they intend to have the architect and the contractor present. The architect would go through the exterior layout and provide a budget summary. It was agreed to hold the meeting on Tuesday, April 22, 2014 at 5:30 p.m.

3. **Charity Donation Drop Boxes**

Patrick Kearney, Operations Manager from Planet Aid, Solon, Ohio addressed Council. Mr. Kearney gave a brief history of Planet Aid. He said they are a true nonprofit and have been in Northeast Ohio for 10 years. They collect used textiles and resell them for proceeds with which they support various programs. This market has become more competitive over the last 5 years and there are a lot of people in this for profit. In particular, they are coming out of Michigan, which is what prompted Cleveland to start regulating these boxes. 72 cities in Michigan have banned this industry all together. He said that this is what they are trying to avoid here because it is detrimental to their business. They are getting proactive and reaching out to communities and encouraging them to regulate the boxes. Cleveland requires that the companies be a 501C3 business. Mr. Kearney said that Planet Aid gets a signed agreement with the property owners and provides them with a copy of their liability insurance. They commit to keeping the box clean and most boxes are serviced weekly but can be serviced more frequently if needed. He said they have about 2,000 boxes in northeast Ohio. Mr. Kasaris asked if the property owner gets paid for using their property. Mr. Kearney said they do not pay for a site for over 90% of their boxes. Occasionally they pay with property management companies where they have to lease apartment space. Mr. Kasaris asked if they property owners get a percentage of what the box earns. Mr. Kearney said no.

Mr. Kearney further explained the various aspects of their business including the recycling of textiles and the operations involved with that.

Mr. Kelly asked Mr. Kearney if he has a standard form of lease agreement with the property owner that they use. Mr. Kearney said yes and agreed to provide a copy for review. He said that it is part of the application packet they provide. They have to have a signed agreement with the property owner or the legal tenant. Mayor Stefanik said that Brook Park recently passed legislation concerning this matter and they have gone through some of the same issues we have. Ms. Walker from Planet Aid stated that they also give the schools a percentage of what is collected. Mr. Langshaw asked if a fee in the range of \$50.00 to \$100.00 would be a problem. Mr. Kearney said no it would not. He said the fee would discourage a lot of the for profit companies and they would most likely receive those donations. Mr. Langshaw asked how many boxes they have in North Royalton. Ms. Walker said they have about 8. Mr. Langshaw asked if they are currently working with the North Royalton schools. Mr. Kearney said not yet. Mr. Antoskiewicz said that the only boxes the schools currently have on their property are the paper recycling boxes. Mr. Muller asked Mr. Kearney if it would work out better if it was a one time fee vs. an annual fee. Mr. Kearney said yes. Mr. Muller asked Mr. Kearney if we passed legislation stating that for profit companies would not be permitted, would it still be necessary to have a fee. Mr. Kearney said that he does not believe a fee would be necessary under this scenario. Mr. Jordan asked Mr. Kearney if most people find their boxes by sight or do they find them on line, etc. Mr. Kearney said it is a combination of foot traffic and other sources. Mr. Jordan said that Council has been provided a copy of the Cleveland ordinance. In an effort to proceed, the city would have to draft its own ordinance. Mr. Jordan said that if Council wishes to pursue this at this time, he would like to relay what the repercussions will be. If you don't regulate them, we will have to tell everyone to leave because they are not currently permitted. Mr. Kasaris felt that Council still wishes to regulate them. Mr. Nickell said that there is a question about the fee. Mr. Antoskiewicz said that he felt that the consensus at the last meeting was that \$100.00 was too much. He said another issue was exempting Public Facilities from the fees. Mr. Petrusky said it's not fair to the box owner to have to pay a fee for one site, but not for another. If he was smart, he'd find every school and church to place a box and not put them anywhere else. He did not feel that this was right. Mr. Antoskiewicz said that the schools and churches make an arrangement with the box owner and they are making something off of having that box on their property. If you charge the box company a fee for that, they are going to take it off the top of what those organization are earning. If a box is placed at a gas station, the fee is coming out of the profits that the box company is going to make. Mr. Petrusky said that a company like Planet Aid is being punished because they have placed their boxes on private property but not on Public Facility property. Mr. Antoskiewicz said that when the money is going to a school or church, to him the money is staying with another nonprofit. Mr. Kasaris feels that we shouldn't charge the schools at all; it's all the same tax dollars. Mr. Antoskiewicz said we still need to have permits issued so that we can track them. Mr. Jordan said we could make them an allowed use in Public Facilities alone. If they are limited to only these properties you could then bring up the issue of waiving all of the permit fees. But if we are at least going to allow them into commercial districts we could divide the exemption between Commercial and Public Facility. This would be letting the owners of Public Facility property govern their own property in this matter. Mr. Muller said that the sample legislation states that no more than two outdoor donation boxes shall be permitted on any parcel of property. He thought that maybe the number of boxes should be based on the overall size of the parcel. Mr. Muller said that regarding the fee he doesn't think that the schools necessarily have to be exempted but he personally thinks it should be a smaller, one time charge. He doesn't like the idea of charging nonprofits, but he understands that there will be an administrative cost if we ever have to pick up one of these units for disposal. He feels that \$100/year is extremely high and it would take a lot of time to overcome this charge before benefits are seen. Mr. Jordan said that he can't imagine a scenario where a commercial property owner would allow 8 boxes. He has seen instances where schools will try to recycle many different materials. The concern he has with numerous boxes in commercial districts is that they are essentially dumpsters and are not attractive. We go to great lengths in our commercial planning review to try to hide all the dumpsters as best we can. Now we are talking about the possibility of more than two "dumpsters" being placed in a very visible location on a commercial property. Mr. Muller said that there is a different view from the community when they see a donation box in comparison to a dumpster.

Mr. Jordan said that he agrees that some of the donation boxes are more appealing than others and that is the concern in the commercial districts. In Public Facilities we could ask that they be placed in locations where they are not harming cars, etc. Mr. Muller agreed and said that more often than not he doesn't see more than one box being located on a property. Mr. Jordan said that we will lose money on any fee under \$40. He is not advocating for the \$100/year, he is just telling us that we will just break even at \$40.00. Mr. Petrusky asked if there would be an actual inspection of every box with proof of inspection similar to gas stations. Mr. Jordan said that if you limit it to Public Facility the only thing that would be done is some kind of administrative review. This impact is very minimal due to the fact that there are only so many Public Facility properties. If you allow them in Commercial districts, then we are going to have to look at them every year. Mr. Petrusky said that he is concerned that boxes will appear overnight without our knowledge. Mr. Nickell said that he can see this as being split between Commercial and Public Facility. He isn't sure that the schools would want to get into the textile recycling due to space concerns. The churches may not use these type of boxes either because most churches have their own clothing drives. This leaves Commercial properties for the textile boxes. Mr. Jordan asked if Council wants the Public Facility boxes to be treated differently than the Commercial districts. Mr. Vozar clarified that the definition of donation boxes talks about clothing. If you limit the definition of what you are regulating to clothing and you put it in a Commercial district then obviously that could direct how you want this to go. Mr. Kasaris said that if we don't regulate the newspapers as well, then those boxes currently in place would have to be removed. Mrs. Vozar said that they would be permitted because everything that is permitted right now in Public Facility is still permitted unless it is prohibited. Mr. Kasaris said that it was Council's understanding that the newspaper boxes are also not permitted at the current time. Mr. Jordan said unless they were regulated we would have to ask them to be removed or to apply for a variance. Mrs. Vozar said that she is not sure that is correct for Public Facilities. She said that the whole reason this was brought up was because of clothing boxes. If Council wants to start looking at other applications they can, but when this originally came before Council, and what the Cleveland Ordinances deals with, is regarding clothing box donations. If we have to clarify in our ordinance that boxes on Public Facility zoning are permitted, we can do that. She said that direction is needed on how Council wishes to proceed. Mr. Jordan asked if on commercial properties Council wants to limit the number and charge a fee. Mr. Kasaris said we need to work out the issue of whether or not we currently permit newspaper boxes. Mr. Jordan said we will have to talk about that. Mrs. Vozar said that we need to look at where they are located. If they are located on commercial property and if on those commercial properties these are considered dumpsters, then they would be permitted. School boxes are different. They are Public Facility and the schools have their own rules and regulations that they abide by. Mr. Jordan said that his concern is for the boxes on commercial property. Mrs. Vozar said those would be construed as dumpsters. Mr. Antoskiewicz asked Mrs. Vozar if we even need to regulate these boxes in Public Facility zoning. Mrs. Vozar said that she does not think we have to regulate them in Public Facility. Mr. Jordan said we can look at that later. It would be helpful if we could narrow tonight's discussion down to what Council wants to do with donation boxes on commercial property. Mr. Langshaw said that school and churches should be exempt and he thinks the bigger issue is regulation for commercial properties. Mrs. Vozar said we can very easily clarify this in the ordinance. Relative to commercial property, Mr. Jordan asked if Council wants to regulate or prohibit these boxes. He is talking about all types of boxes, textile and paper. Mr. Marnecheck asked if we have a consensus that we will allow only non profits. Council agreed. Mr. Jordan asked if they want to limit the number of boxes per parcel, keeping in mind that there is always the appeals process if someone feels that their property should be allowed more boxes than the code allows. Mr. Langshaw asked if we could do this similar to what was previously done with amusement devices. Mr. Kasaris said with that ordinance we increased the fee based on the number of devices. The more devices, the higher the fee. Mr. Petrusky recommended a fee of \$40.00 per box per year. This will ensure that they are inspected yearly and keep out the for profit companies. Mr. Petrusky said he understands that the fee is a hardship, but by eliminating the non profits this should help offset that hardship. Regarding the number of boxes on the site, Mrs. Vozar said we could put together what we believe is the appropriate lot size for two boxes and then anything more than that would require more acreage. We could do a sliding scale for larger parcels. The committee asked Mr. Jordan to develop this scale. Mr. Petrusky said he would like the companies to have to verify every year that they are still a nonprofit as part of the permit process. Discussion was held regarding the various IRS requirements for nonprofits and proof of same. Mr. Jordan

asked for direction on the fee for commercial properties. The consensus of Council was that it be an annual fee with the amount to be determined. Mr. Jordan said they will have to get back to Council on the issue of Public Facilities and their status regarding self regulation.

NEW BUSINESS

1. Agricultural Districts:
 - Mark and Cindy Ellis 18375 State Road
 - David Grayson 16393 State Road
 - Robert D. Kosman 3409 Edgerton Road
 - Charles and David Muller 12584 Drake Road
 - Charles and Janet Muller 3333 Wiltshire Road

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **recommend approval of these Agricultural Districts 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 7:00 p.m.