

**BUILDING & BUILDING CODES COMMITTEE MINUTES
APRIL 17, 2018**

The Building & Building Codes Committee meeting was held on April 17, 2018, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:15 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; **Council:** Gary Petrusky, Dan Langshaw, Paul Marnecheck, Cheryl Hannan; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Finance Director Eric Dean, Community Development Director Thomas Jordan, Police Chief Ken Bilinovich, Fire Chief Robert Chegan, **Other:** Lou Krzepina, Hannah Janiak, Hannah Collins, Russ Donda, Jaden Donda.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the February 20, 2018 and March 20, 2018 Building and Building Codes Committee minutes.** Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. City Green Development

Mr. Jordan said that the bid for the pavilion came in at \$777,000 which is over 10% of the engineer's estimate. There was only one bid. The bid due date was right after the Easter break which, according to some of the contractors we met with, was hard to meet because a number of staff members were on break and therefore they were unable to bid. He said that this bid was rejected at the last Council meeting. Since that time we have spoken with several contractors to find out what their issues were with the bid and there are going to be some bid clarifications in the bid documents. He said that we are going to have to accept the fact that the pavilion will not be done in time for this summer's festivities. We will clarify the bid documents as accurately as possible for the rebid and hopefully bring the bid costs down. There are no substantial changes to what we are doing with the project, we are just making clarifications to the bid documents.

Regarding the sign, Mr. Jordan said that the estimate is less than \$50,000 by using the existing stone pillars. Brandstetter Carroll solicited 3 proposals and we will make a selection from there.

Mr. Jordan said that they have hired an electrical design engineer for the electrical upgrades to the site and this will cost over \$10,000. The engineer will come up with a budget for correcting the issues and bringing everything up to code and placed appropriately for the events we hold. Bid specifications will need to be written because the estimated cost for these upgrades exceeds \$50,000. He said that he does not believe that this will be in place for the summer events.

2. Cemetery

Mr. Jordan said that the state has passed its capital budget. Representatives have contacted the Mayor indicating that as part of this budget \$100,000 of the \$500,000 we requested for the cemetery improvements has been awarded to the city. This means that we will need to take a look at what we wanted to get done. There were two main items we were trying to accomplish. One was the cold storage building (receiving vault). The second was the fence and sign/entryway along with some landscaping. He said that our current thought is to see if we can use a good part of this grant to save the cold storage building from falling over and being a further danger. We would then scale back the fence/entry way by getting an entryway sign with a gate on either side to make the entryway more attractive. Mr. Jordan said that he has spoken with a designer about this and progress has been made with this design. He said that he has also contacted the original architect that did the cold storage building estimate to inform him to scale it back because we don't have the \$300,000 needed for the original design. From his past discussions with this architect, he said it could be close to \$100,000 to just fix the walls from not collapsing, remove the stone gutters that are falling off, and put a roof on it. We would do nothing with the interior or the door and windows. Regarding the existing trees that were placed there to act as a buffer, the thought is to leave them there. He said that he is pursuing estimates for this work.

Mr. Nickell asked if it would be possible to deconstruct the cold storage building and repurpose the stone as part of the gate and some of its features. He said that in his travels he has noticed that a lot of cemeteries do not have fences, so maybe using the tree buffer and adding additional landscaping would be enough.

Mr. Kasaris agreed that it does not make any sense to cut down the existing fence and use them as the buffer they were intended to be.

Mr. Antoskiewicz agreed and doing something with the sign/entranceway will leave us in good shape.

Mr. Langshaw asked about the fencing in the rear of the cemetery that the radio tower owners were going to replace. Mr. Jordan said that this has been done. Mr. Jordan said that once the weather improves, the next phase of the repair of the veterans stones will commence.

NEW BUSINESS

1. Zajicek Agricultural District

Mrs. Hannan asked for an explanation of an Agricultural District. Mr. Kasaris said that it is a application renewal every 5 years and the property owner gets a tax break if they are using the property for agricultural purposes based on county qualifications.

Moved by Mr. Kasaris, seconded by Mr. Nickell to recommend approval of this item. Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

2. Front yard Sales in Residential Districts

Mr. Antoskiewicz said that he, Mr. Langshaw and Mr. Kulchytsky have been working on this based on discussion that was held last year regarding residents who sell items on their front lawn year round. We have taken all the different variables and problems into consideration and we feel that the best way to address this is to allow for this type of sale during the same time frame that most people hold garage sales which is Thursday morning through Sunday night. The Building Department had no problem with it because this will make it very easy to regulate; if items are on the lawn Monday through Wednesday, they are in violation. This will stem the issue of someone placing an item for sale on their lawn and just leaving it there. He said that they are proposing this to Council to get their feedback and see if they think this will work to eliminate the problem.

Mr. Langshaw said that this was discussed at length last year and he appreciates Mr. Antoskiewicz coming up with a simple solution. He said that this hits all the points of what we are trying to accomplish. It's enforceable but does not infringe on anyone's rights.

Mr. Petrusky asked about those who put their cars in the front yards for sale. Mr. Antoskiewicz said that we have a separate ordinance in place currently for this. Mr. Petrusky said that in his yard, 50 feet back from the road would be in his flower bed. Mr. Antoskiewicz said that our thinking was that this type of occurrence is usually on main roads. Most residents in subdivisions don't do this and have yard/garage sales.

Mr. Kasaris asked if there is a difference between a garage sale and a yard sale. Mr. Antoskiewicz said in his mind there is no difference. Mr. Kasaris asked if the 50 foot setback requirement would infringe on someone holding a garage sale who has a small front yard and does not have the room to keep all the items back 50 feet. He asked if there would be an appeal process for this. Mr. Kelly said that this becomes a question of common sense and enforcement. If this legislation passes, he suggested to let it play out and let the Building Department do their job. It will be complaint driven only; we don't go looking for problems. If it becomes an enforcement issue, we can revisit this. We are setting this up as a minor misdemeanor. He said that it is really a matter of compliance and in most instances the residents will comply. Mr. Kasaris said we have cases of other minor misdemeanors where the person can appeal to the Board of Zoning

Appeals. If someone is shut down due to noncompliance, do they then have the right to appeal this decision to the BZA. Mr. Kelly said that he does not believe so. He sees this as a quasi-criminal enforcement process. It will go to Mayor's Court and the person can deal with the magistrate.

Mr. Nickell said that this legislation is fine with him, but he said that his yard is not 50 feet deep either. He suggested reducing it to 25-30 feet which would still target the problem situations. Mr. Antoskiewicz said the hardest part of this was determining how far back we should go. We were mainly trying to address the main roads. Discussion was held regarding the set back and it was determined that 35 feet would be sufficient and could be applied to both main routes and subdivisions. Mayor Stefanik said that the Building Department will use common sense when enforcing this code and evaluate each situation on its own. Mrs. Hannan asked if we have anything in our code governing garage sales. Mr. Antoskiewicz said no, this would be a brand new section in the code. Mr. Jordan said that we do not regulate garage sales and it is not the intent of this legislation to do so.

MISCELLANEOUS

Russ Donda, 7373 Tilby Road addressed the committee. He said that he would like Council to consider legislation that prohibits parking on front lawns. Other cities have ordinances that state the vehicle must be on a paved or gravel surface and he asked that Council explore this.

Mr. Nickell said that he is ambivalent on this because he parks on his side grass in the summer because they have four cars. Previous Councils have discussed this in the past without reaching an agreement. Mr. Donda said that he is referring to people who use their lawns as regular parking areas. Mr. Nickell said that we might already have something on the books that would cover this. Mr. Antoskiewicz said that he will give this to the Legislative Director to obtain information from other cities. Mr. Langshaw said that he had a problem like this in his ward in a heavily residential area. He said that the Police looked into it and it was covered under our current parking ordinances and they were able to work it out with the homeowner.

ADJOURNMENT

Moved by Mr. Nickell, seconded by Mr. Kasaris **to adjourn the April 17, 2018 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 6:52 p.m.