

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
NOVEMBER 16, 2009**

The Building & Building Codes Committee meeting was held on November 16, 2009, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:02 p.m.

**PRESENT:** Committee Members: Chair Don Willey, Larry Antoskiewicz; Council: Vince Gentile, John Nickell, Dan Kasaris; Administration: Mayor Robert Stefanik, Building Commissioner Rito Alvarez.

Moved by Mr. Antoskiewicz, seconded by Mr. **Willey to excuse Mr. Farrell from the November 16<sup>th</sup> meeting.** Yeas: 2. Nays: 0. Motion carried.

**APPROVAL OF MINUTES**

Moved by Mr. Antoskiewicz, seconded by Mr. Willey **to approve the October 19, 2009 Minutes.** Yeas: 2. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Abandoned houses update report**

Mr. Alvarez said he updated the information he had on abandoned and foreclosed homes and distributed copies to the committee members. He also stated that Mr. Willey asked him to look at a home on State Road that he thought might be abandoned. Mr. Alvarez did look at the home, but said it is not abandoned. Mr. Willey said he recently noticed a "For Sale" sign in the yard.

Mr. Kasaris asked how many abandoned houses there currently are in North Royalton. Mr. Alvarez said there are approximately 56 abandoned homes/foreclosures citywide.

Mr. Nickell asked Mr. Alvarez if the city has any type of program in place where we can force people to fix up the abandoned homes that are in transition. Mr. Alvarez said the problem is that we have to deal with the banks if we cannot locate the homeowner. Mr. Gentile asked about the homes that have been abandoned for some time and if we have the ability to ask the utility companies to check to make sure all of the utilities have been turned off to avoid any damage being done to the home. Mr. Willey asked if we have any legal recourse to do an interior inspection in the event that we know the home is abandoned, and we cannot locate the homeowner or the bank. Mr. Alvarez said we do not have any right to do that. He said we need probable cause.

Mr. Kasaris asked if an abandoned home is owned by an out of state bank and there clearly are issues inside the home as well as issues outside the home and we are unable to reach the bank, is there anything we can do. Mr. Alvarez said we can cite them and take them to court. Mr. Gentile asked if there is anything the city can do as far as developing a policy where abandoned properties have to be closed up properly to prevent any type of damage to the home. Mr. Alvarez said the first thing we want to take care of is the outside of the home. He said the city needs to treat all abandoned homes the same.

Mr. Willey said when there is an abandoned property FHA has a program which allows a buyer to go in and rehab items that need to be fixed and will give credit on the work that needs to be done on the home.

Mr. Gentile asked if we might be able to pass something similar to a Point of Sale Inspection such as a Point of Foreclosure or Point of Abandonment Inspection which would make sure a house is closed up properly upon foreclosure or abandonment. Mr. Nickell said he feels a list of abandoned homes/foreclosed homes should be provided to Council and does not feel that Council should have to provide that list to the Building Department. Mayor Stefanik asked committee members to inform the Building Department if they see homes that are in disrepair and they will go out and take a look to see if the home is abandoned. He said other than knocking on every door once a week there is no way to know if the house is abandoned. Mr. Kasaris said we do not know when someone is going to leave. He said even if the house is in foreclosure, it may be a factor in the abandonment, but it does not mean that

particular house is abandoned. Mr. Nickell said we should start with the external look of homes to determine whether they may or may not be abandoned. He said we have no mechanism to force people to fix sidewalks, driveways, gutters, etc. Mr. Kasaris said if an Action Form is completed the inspector will go to the home and issue a citation if applicable. Mr. Nickell asked Mr. Alvarez if the inspectors issued citations to homeowners of abandoned homes as discussed a couple months back. Mr. Alvarez said one citation was issued. He said the problem is that there are instances where they are chasing banks or attorneys not the homeowner and it becomes difficult.

Mr. Gentile said city wide, he believes the housing stock in North Royalton is good. He said he is worried about abandoned homes not being closed up properly and water lines bursting or other types of damage occurring.

Mr. Willey asked if we can issue an occupancy permit upon sale of the property rather than a point of sale inspection. He said the occupancy permit would allow the inspectors to inspect both the interior and exterior of the home.

Mr. Willey asked what the procedure is for issuing a search warrant. Mr. Kasaris said you would have to get that from Parma Municipal Court or the Court of Common Pleas and there would have to be probable cause for a home to be searched.

## **2. Wind Turbines**

Mr. Willey announced that Ms. Vozar was not in attendance. Mr. Kasaris said he spoke to Ms. Vozar and she stated that she would like a specialist to attend the meeting to provide additional information about wind turbines. Mr. Antoskiewicz said he also spoke to Ms. Vozar and told her that the committee would like to get something in place dealing with large wind turbines so we have some type of ordinance in the city.

Mr. Willey asked if the “Green” Task Force formed in Cuyahoga County has ordinances in place. Mr. Gentile said that his understanding is that this task force was specifically designed to examine the feasibility of wind generation.

Mr. Kasaris asked Mr. Alvarez if the city needs to continue to include Council in the approval of conditional use permits. Mr. Gentile feels that Council does not need to be involved as long as all of the rules are followed. Mr. Gentile said he feels we should look at the current conditional use process before we turn everything over the Planning Commission. Mr. Willey agreed.

Mr. Kasaris asked about wind energy facilities and asked if there could ever be a wind turbine that is not part of a wind energy facility. Mr. Antoskiewicz said he believes the intent is to cover one or more wind turbines. He said if you have more than one on the property that would be defined as a facility. Mr. Gentile reviewed the City of Lakewood’s wind turbine ordinance and said if anyone has a wind turbine that is not attached to the home/building, it is considered an accessory structure. He said if someone comes forward with a request for a free standing wind turbine, they may have to go through the same process as the AT&T Tower and he said Council may deny the request.

Mr. Willey discussed the submission requirements in Lakewood’s ordinance. He said he believes that all applications for building permits should have a county permanent parcel number on them. He also discussed the portion of Lakewood’s ordinance that relates to participating landowners. He said the participating landowners would have to sign off on this type of structure and record this with the County Recorder’s office. Mr. Gentile said he believes part of the application should include the written legal description of the property and the permanent parcel number. Mr. Willey also discussed the portion of the ordinance that discusses ancillary facilities. He said in these instances the property owner is not necessarily the person who is going to place this type of facility on the property. He said in this type of event he believes the lease would come into play. Mr. Willey said that as far as utility standards are concerned, there are not currently any in place. He said when there are two or three individuals using the

facility, he would be interested in knowing what the utility standards are. Mr. Willey referenced the portion of Lakewood's ordinance that refers to distance between facilities. He asked what would determine why it has to be two times the distance from the next building. Mr. Gentile said it is two times the hub height, not the overall height. Mr. Gentile said the state code is one and half times overall.

Mr. Alvarez asked what Council will do about waiver of setback. Mr. Willey said he believes this is something that would have to be petitioned to BZA. The committee agreed that they would probably want to scratch the entire waiver section.

Mr. Willey asked about the section in Lakewood's ordinance that deals with liability insurance. Mr. Gentile asked Mr. Alvarez if we hold insurance certificates on any other aeriels such as the AT&T Tower. Mr. Alvarez said we do not.

Mr. Alvarez asked about the waiver on noise and shadow flickering. Mr. Gentile said he does not believe there should be a waiver on this.

Mr. Gentile asked about the cell towers in the city. He asked if we have a section that deals with standards for these towers. Mr. Alvarez said this is stated in our zoning laws. Mr. Gentile said we may want to pull some information from this as far as setbacks and other restrictions are concerned.

Mr. Willey discussed the decommissioning portion of Lakewood's ordinance. Mr. Gentile said if someone should abandon the facility this section outlines a process for decommissioning. Mr. Gentile said if a structure is not operational and it is not being maintained, the city can condemn it. Mr. Antoskiewicz said this appears to be a safeguard that was put in to have a bond upfront in case the structure is abandoned. This way there is money available. Mr. Gentile asked if we would be able to ask for this type of bond on private property. Mr. Kasaris said he believes we can because the city will have to tear the structure down if it stops functioning and becomes an eyesore. He said although we can do it, he questioned whether or not it is good policy to do this. Mr. Gentile asked Mr. Alvarez about the towers currently located in the city. He said if the companies that own these towers abandon them, do we have any legal recourse to remove these towers. Mr. Willey said he feels the decommissioning standards are too restrictive and feels it would be hard to enforce this and follow up with this every year.

Mr. Alvarez asked if Ms. Vozar could fill in the blanks in Section 1290.02 and 1290.03. He said there are a few sections of the code that are either missing or are not stated correctly. Mr. Gentile said we need to look for some type of standards.

## **NEW BUSINESS**

1. No New Business.

## **ADJOURNMENT**

Moved by Mr. Antoskiewicz, seconded by Mr. Willey **to adjourn the meeting**. Yeas: 2. Nays: 0. **Motion carried**. Meeting adjourned at 8:20 p.m.