

**NORTH RIDGEVILLE CITY COUNCIL
BUILDING AND LANDS COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS – 6:45 P.M.
MONDAY, AUGUST 19, 2019**

To Order:

Chairman Bruce Abens called the Building and Lands Committee meeting to order at 6:45 p.m. with the Pledge of Allegiance.

Attendance:

Members present: Chairman Bruce Abens, Councilman Bob Chapek and Councilwoman Michelle Hung.

Also present: President Kevin Corcoran, Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Councilman Dennis Boose, Councilman Martin DeVries, Assistant Clerk of Council Tara Peet, Assistant Law Director Toni Morgan, Chief Building Official Guy Fursdon, Clerk of Council Nancy Linden and Auditor Jeff Wilcheck.

Minutes:

Chairman Abens asked if there were any corrections to the minutes dated February 4, 2019. No discussion was offered. The minutes stand approved as submitted.

Discussion regarding T 85-2019:

Chairman Abens briefly went over the suggested changes to the code through T 85-2019. He opened the discussion to the Committee.

Councilman Chapek stated he thought the changes seemed satisfactory to pass along to City Council.

Councilwoman Hung stated the conversation began with the Chief Building Official when building repairs are done. She asked that Mr. Fursdon elaborate.

Chief Building Official Fursdon stated he suggested this legislation to allow the Building Department better enforcement with code violations. He noted that if they have to go back to get the contractors bond, the issue would be corrected, but it would mean the contractor didn't do it. Chief Building Official Fursdon stated he didn't want to see those types of contractors in the City. He noted the fine was increased to get their attention.

Assistant Law Director Morgan stated in letter b it shows that the contractor corrects the violation.

Chairman Abens stated this would give the Building Department the tools to get rid of the shady builders.

Assistant Law Director Morgan stated yes. She added that the contractor cannot be registered with the City if they did not correct their issues.

Mayor Gillock stated he isn't sure he is okay with that language. The City wants the issue fixed and it does not matter who fixes it – the contractor or someone else. He noted that the contractor would never want to lose his bond.

Assistant Law Director Morgan suggested leaving the language as it reads today, but add language that states if the contractor doesn't fix it he will lose his bond.

Mayor Gillock asked why everyone was hung up on the language.

Assistant Law Director Morgan clarified that the language could remain as it is today, but add language that the City would not allow the contractor to register if the contractor did not make the required repairs.

Mayor Gillock stated he understood the intent, but thought a separate section could be added that states if the contractor has repeated violations, his registration could be suspended.

Assistant Law Director Morgan suggested the language if the contractor did not cause the remedy the contractor shall not be eligible for registration.

Mayor Gillock asked how long the contractor will be prohibited from registering with the City.

Chief Building Official Fursdon suggested forever.

Assistant Law Director Morgan stated if they don't remedy something, they should be prohibited from registering with the City.

Chairman Abens asked Chief Building Official Fursdon how he felt about a time limit.

Chief Building Official Fursdon suggested they be prohibited forever but he would yield to whatever Council wanted.

Councilwoman Hung stated Council represents the residents and should protect them from shady contracts by prohibiting them to register with the City permanently.

Martin Austin, 34897 Shawn Drive: stated the contractor if prohibited in the City for registration can just begin a new LLC or company with no issue.

Chief Building Official Fursdon stated that was correct.

The Committee agreed to add an additional letter "c" in Section 1 to read: "If the contractor did not cause the remedy, the contractor shall not be eligible for registration."

Moved by Chapek and seconded by Hung to recommend Council adopt T 85-2019 as amended.

A voice vote was taken and the motion carried.

Yes – 3

No – 0

Discussion regarding T 86-2019:

Chairman Abens briefly went over the suggested changes to the code through T 86-2019. He opened the discussion to the Committee.

Councilwoman Hung stated this amendment came out of the Board of Zoning and Building Appeals back in May when Gary Smitek applied for a variance for a tennis court fence for the North Ridge Pointe subdivision.

Chief Building Official Fursdon stated the ordinance currently states fences from the front line to the right-of-way cannot exceed 3.5 feet and must be 50% open. He stated he is trying to make the code more uniform and is suggested a four foot maximum height. Chief Building Official Fursdon stated Councilwoman Hung wanted to see fences around pools increased to five feet for safety purposes. He added if someone climbs a four foot fence, they certainly can climb a five foot fence. He also added tennis court fences are typically six feet and a ball can certainly go over that fence.

Mayor Gillock stated the new language is not consistent at all. He stated residential fences in the code are 3.5 feet and changing this would make it inconsistent at four feet. He stated he was concerned about a higher fence on street corners and obstruction of view. Mayor Gillock felt it needed to stay at 3.5 feet.

Councilwoman Hung stated that BZBA sees at least one variance a month.

Chief Building Official Fursdon stated BZBA typically sees six foot, 100% closed fence variance requests to maybe keep pets in.

Chairman Abens stated he has concerns with raising the fence height regarding criminal activity.

Councilman Boose stated he has concerns with raising the fence requirement to four feet and obstruction of view. He also noted that if someone climbs a four foot fence, they can also climb a five foot fence. Councilman Boose stated many people in the community have a pool without a fence and felt that needed addressed.

Councilman Boose noted in the third whereas, it references code section 1294.06. He stated the codified ordinances reference this section as “reserved” and the typo needed corrected.

Councilman Boose asked about the added letter D and why it would not apply to all other sections.

Assistant Law Director Morgan stated a variance would then not be needed. If there is something more specific in requirement, that would prevail.

Councilman Boose asked if that was the only section that was specific.

Chief Building Official Fursdon stated the only section specific is the general fence requirement of 3.5 feet. He noted that North Ridge Pointe had to get a variance to install a six foot fence.

Jeff Madisen, 6601 Nicoll Drive: stated he has a pool with a four foot chain link fence around the pool. He asked if he will be required to change his fence if this ordinance is adopted.

It was agreed that he would be grandfathered under the old code.

Chief Building Official Fursdon stated in the third whereas in number three, the reference to the pool being full should be removed. A person can get hurt even if the pool is not full. He felt even if the pool was above ground, a fence is still needed.

The Committee agreed to strike the reference made to the pool being full.

Councilwoman Hung asked if the Committee wanted to make a minimum fence height requirement for HOA pools.

Mayor Gillock stated the minimum is five feet.

Chairman Abens asked if the Committee wanted to remove the four foot fence requirement out of the fourth whereas and Section 2.

Mayor Gillock stated he would like to see the height kept at 3.5 feet.

The Committee agreed to strike the fourth whereas and Section 2 in their entirety.

Moved by Hung and seconded by Chapek to recommend City Council adopt T 86-2019 as amended.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Adjournment:

The meeting was adjourned at 7:24 p.m.

Date Approved: _____

Tara L. Peet, MMC
Assistant Clerk of Council