

City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
December 2, 2013
City Hall Conference Room 6:00 p.m.

Member Present: Councilman Steve Lee, Chairman
Councilman Mike Young
Councilman Clete Miller

Others Present: Councilwoman Karen Lieske, Law Director Ebert
John Cheatham, Chief Building Official, SAFEbuilt

Audience: Conda Boyd

Councilman Lee, Chair of the Committee, called the meeting to order at 6:00 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public. Mr. Lee thanked everyone for their time this evening.

Proposed Edits to Chapter 13 (Building Code)

Mr. Lee advised that the proposed amendments to Chapter 13, Building Code, are on the Council agenda this evening for first reading.

Mr. Cheatham circulated sample permit fee calculations, per revised Chapter 1305.02, to the members of the committee. The process of calculating the fees is much simplified, primarily in the area of electrical and plumbing. Mr. Young noted that for the electrical permits this is a very tedious process, taking into consideration different receptacles, light switches, junction boxes, etc. Mr. Cheatham stated that the new, proposed fees are based on square footage.

Mr. Cheatham reported that a comparison was made of the existing fees charged in neighboring communities. Fairview Park, overall, is highest in their fee structure, followed by Rocky River. The City of Westlake has the lowest fee structure. In the proposed fee structure, Rocky River and Fairview Park will still be higher than Bay Village. Avon Lake and Avon's fees are also higher than Bay Village's fees. Mr. Cheatham noted that neighboring communities have many fees that Bay Village does not have.

Mr. Miller asked if the fees being charged by other communities is something that Bay Village should consider capturing. Mr. Cheatham stated that other communities do backflow testing, which requires a special certification. We have in our ordinances presently a fee for lawn sprinklers, but since Mr. Cheatham has been associated with the city there has not been a single

application for lawn sprinklers. Yet, we know they are going in. By state law they must have back flow preventers, and by state law have to be tested every year. The way the law reads either the water purveyor or the Building Department Plumbing Inspector, who has the additional certification, which we do not have, does the inspection. In Avon Lake, there is an employee in the Utilities Department who has that certification. Mr. Ebert noted that irrigation systems are going in for new homes.

Avon Lake has five different fees for sewer connections. It is a sliding scale, with many variables, but most places will pay \$3,000. Westlake's sewer connection fee is \$750.00. The all-around average in the area is \$1,500 for the sewer connection fee.

Mr. Lee stated that the understanding with these fee modifications is to simplify the process and be essentially neutral to the applicant with the exception of the new plan review fees, which are an addition to the existing fee structure. There are circumstances where a plan review fee is charged and other circumstances where a plan review fee is not charged. Mr. Cheatham noted that the department spends a lot of time reviewing plans for decks, small additions, and remodeling plans, without compensation. Other communities do charge for this service. The proposed rates for Bay Village are much less than what is charged in most of the other communities in the state. Mr. Cheatham noted that they are not trying to cost the citizens more money; they are trying to cover the cost of doing business. The present code requires a plan review fee for new houses and additions over 500 square feet. There are many plans submitted that fall under that square footage.

Mr. Cheatham stated that other communities charge for street cleaning during construction. Curb cuts are not charged to the residents. Mr. Ebert noted that the Service Department does a lot of street and road cleaning when there is major construction. He suggested the Council may want to consider charging for street cleaning during construction and curb cuts.

Mr. Miller asked if a Storm Water Pollution Prevention Plan (SWPPP) needs to be in place in the ordinances. We do have a Clean Water plan, but do not have a SWPPP, which would address material leaving the site. Mr. Cheatham stated that this should be discussed because the new homes being built in Bay Village are in existing residential neighborhoods. The tear-downs and construction really disrupt the neighborhoods. There is definitely a need for a plan.

Mr. Lee stated that it would make sense to come up with some specific thoughts based upon this review and vet that as part of the work on the building code revisions.

Foundation Facing

Chapter 1150 is currently in the Building Code but according to the state requirements must be moved to either an Architectural Board of Review section, which the City of Bay Village does not have, or to the Zoning Code.

Mr. Lee stated that discussion by the committee in October suggested that the language of this code might be out-of-date in accordance with current construction methods and materials. Mr. Miller stated that there are a great number of options for finished surface. His interest is to avoid allowing someone to just have exposed structural foundation that is not a finished condition, and to require an engaged or casted finish.

The first step is to move the Foundation Finish requirement out of Chapter 13 to new Chapter 1150. The language could then be revised.

Workmanship – Section 1322.09

There has been discussion about changing the language and keeping it in the code. The ordinance on first reading this evening deletes the section. Mr. Lee stated that there has been discussion about the current language exposing the city in some way that would be a concern. Mr. Ebert stated that there have not been issues historically. It just gave the building officials something to refer to in the event that construction is below standards, although functional.

Mr. Cheatham stated that from his own personal standpoint he likes having something he can use if necessary, noting that he used the section recently at Burns Automotive, when the roofer did not finish the roof properly. Mr. Cheatham suggested that the code needs to be there, but the language needs to be rewritten. Currently it talks about the reference standards or the acceptable standards by law, which is the Building Code. This is being redundant because if you say it met the Building Code, you have met workmanship. We want to make sure that the work is performed well. Mr. Miller suggested language requiring compliance with industry standards.

Mr. Cheatham stated that if the builder will not cooperate in meeting the requirements, then perhaps the ordinance should have some language that would allow a group of three, comprised of the building official, an architect or someone from the Board of Zoning Appeals or Architectural Board of Review for a fair review.

Mr. Ebert noted that he has never filed or defended against this issue. The appeal process now for a decision by the building official goes to the Board of Zoning Appeals.

It was agreed to remove the ordinance from the agenda this evening pending further review.

There being no further discussion, the meeting adjourned at 6:30 p.m.

Steve Lee, Chairman

Joan Kemper, Secretary