

CITY OF BROADVIEW HEIGHTS

BUILDING CODES & PUBLIC BUILDING, GPZ COMMITTEE MEETING MINUTES

November 27, 2023

Mr. Price called the **BUILDING CODES & PUBLIC BUILDING, GPZ** committee meeting to order at 7:15 p.m.

ATTENDANCE

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| MEMBERS PRESENT: | Mr. Joe Price | (Councilor At-Large) |
| | Mr. Brian Wolf | (Ward 2 Councilor) |
| | Ms. Jennifer Mahnic | (Councilor At-Large) |
| COUNCILOR(S) PRESENT: | Mr. Robert Boldt | (Ward 4 Councilor, President) |
| | Mr. Thomas Pavlica | (Ward 1 Councilor) |
| | Mr. George Stelmaschuk | (Ward 3 Councilor, President Pro-Tem) |
| COUNCILOR ABSENT: | Mr. Glenn Goodwin | (Councilor At-Large) |
| OFFICER(S) PRESENT: | Chief Jeffrey Hajek | (Fire Chief) |
| | Mr. Eugene Esser | (Interim City Engineer) |
| | Mr. Joe Mandato | (Chief Building Official) |
| OFFICER(S) ABSENT: | Mr. Samuel J. Alai | (Mayor) |
| | Mr. Vince Ruffa | (Law Director) |
| | Chief Steven Raiff | (Police Chief) |
| | Mrs. Kathy Parsson | (Human Service Director) |
| | Ms. Amanda Hutcheson | (Parks & Recreation Director) |
| | Mr. David Schroedel | (Service Director) |
| | Mrs. Helen Dunlap | (Clerk of Council) |

Mr. Price read the **OBJECTIVE** – To ensure that the City building codes are of high quality standards and to recommend changes to codes as deemed necessary; and to review current usage of public land and buildings and recommend future changes and use thereof and to review present and future proposed development and to meet with developers as required, to enhance the city’s possibilities of acquiring a

desired project. To provide assistance to prospective developers by directing them to the appropriate authority, i.e., the Planning Commission or the Zoning Board of Appeals.

NEW BUSINESS

1. Discuss sidewalks on all properties in the city. This is from Planning Commission meeting dated March 22, 2023.

Mr. Price stated that tonight they want to discuss an issue that has come forth. He wanted to read a couple excerpts from the Planning Commission meeting based on the minutes that were submitted. These were questions from committee member Mr. Culley. He said that he would like to move forward to see whether we can mandate sidewalks on at least one side of the street. He wants to put sidewalks on one side of the street in the city and that was the premise of his discussion. Mr. Boldt had reported to him that we can't do that. Mr. Boldt had suggested to Mr. Culley that we could put them on one side of the street as was mentioned such as McIntosh and then assess the people 50% on each/both sides of the street. Mr. Boldt said that he was going to get with the Law Director who he did see here tonight but he doesn't see him now and the determination was that you can only assess the side of the property that the sidewalk would go on. That was kind of the premise that was not answered.

Ms. Mahnic stated so that is the legal answer to the question is that only the side that gets the sidewalk would be assessed.

Mr. Price stated right. It seemed like Mr. Culley believed that we could assess 50% to one side of the street and 50% to the other side. The minutes state that Mr. Boldt stated that he would get back to the Law Department and the Mayor to discuss this and he would bring an answer back to the commission.

Ms. Mahnic stated so that is the answer to the first question.

Mr. Boldt stated that Mr. Culley was told that if you had a sidewalk that you would be assessed the full amount. If it didn't make the notes, so be it, but he did say that at first and Mr. Boldt responded to tell him that if you have a sidewalk that you are responsible for the full assessment. This is something that they have all learned over the years is that you cannot split the assessment.

Mr. Price stated that it does state that in the minutes that Mr. Boldt stated that. It also states that Mr. Culley stated that we are no longer a middle rural community in the south of Cuyahoga County. We are a city and his opinion is that the city has sidewalks and if we can't get around putting them on one side of the street and assessing both sides for 50% of that then he would suggest that we put them on all sides of the streets. This is what the minutes read.

Ms. Mahnic asked if there were any additional questions that he had.

Mr. Price stated no but this goes back to March of this year. He stated that Mr. Boldt is here to verify what was or wasn't said. Mr. Culley is right, generally what we have now and Mr. Mandato mentioned in that meeting as well was that strict building codes require them but Mr. Price doesn't think that you can

go back and force property owners to add sidewalks unless you have a project attached to it and that is what other communities will do and then they will assess them and then you will have a sidewalk assessment review board and then the review board can give an evaluation. In other words, if you tell someone that sidewalks are costing them \$3,500, the review board could come back and say after you have already put them in, because that review comes after they are already in, then they can say that that is unfair and the city should pay for 80% or 50% of it and lower that cost and the city would be on for those costs. It is a complicated issue but no different then when we bring a new tenant into a lease property, they have to bring it up to code. As projects were to occur in the community he thinks that we can require it to come up to code and let someone else take on that cost without assessment.

Ms. Mahnic stated that she could see that for businesses. She thinks that it get difficult to mandate when you are talking about homeowners. Especially homes that have been on streets without sidewalks. She thinks that getting it in writing that response Mr. Price just stated and just send it or email it to the gentleman that has the questions. They have talked extensively, especially over on Avery, is the cost to the residents and not every resident is paying the same cost. It is based on the size of their frontage and that is hard to enforce that. Especially areas that have been sidewalk free and some people like that. She thinks that it is the intention of this administration and probably future administrations that as we get funding grant or do road projects that allow us to put in sidewalks, like a small section on Avery, like on Broadview Road, that that would be their intentions. Maybe forward that information to them. She is not in favor of forcing residents in areas that have not had sidewalks ever to put that financial burden on them.

Mr. Price stated that he would agree that you are going to have some residents that would love them in and wouldn't mind having it added to their tax rolls and then you would have some residents who would offer to pay for it up front. You are going to have residents that don't want to do it but the ones that will have the greatest hardship are those that live on a corner lot and have the greater linear feet of sidewalk to put in. They would have 250' or 400' to put in.

Ms. Mahnic stated that the other thing that they could work with residents and we have especially on Avery Road, she remembers one of the concerns of people there of not having sidewalks is the kids had to walk in the street to get to their bus stop. She remembers Mr. Schroedel called the school district, specifically Brecksville-Broadview Heights and got some of those locations changed and the kids are no longer walking in the street. She has never heard anything since then which has been a number of years. She thinks getting the comments in writing or maybe when the minutes get typed up to send them to Mr. Culley so that he has it in writing.

Mr. Price stated that we can do that. He wants to do two things and one is to see if there are any comments from Mr. Wolf who is on the committee and any other council members and maybe an opinion from either the Building Department, Building Official or an opinion from the City Engineer.

Mr. Wolf stated that in addition to being a corner lot, some of these homes have ditches and it is going to cost significantly more to engineer the water problem along with sidewalks. We are not just talking

\$3,500, we are talking \$7,000-\$8,000 for sidewalks in some places. It would be cost prohibitive for residents and for the city to take up even a portion of that and it would put us in the poor house.

Mr. Pavlica stated that on top of what Mr. Wolf stated that it would also have to be in the right of way and in some instances you would have to move the telephone pole to be able to put the sidewalk in. That was some of the reasons why some parts of Avery Road does not have sidewalks. He thought that we did have it in the ordinance that when you build a new house that you are required to put in a sidewalk. For example on Avery Road there is a new house going in and they asked not to have to put the sidewalk in. He thought at that meeting that they discussed that some day if the city thought that sidewalks would be on Avery Road that they would have to put it in.

Mr. Mandato stated that any new home would have to do that.

Mr. Pavlica stated that they did agree to do that if it ever came across or to the point where it was decided to get sidewalks to put them on Avery Road.

Mr. Mandato stated correct. The biggest issue was the Ledges going in with only sidewalks on one side of the street and we changed that ordinance as well that they have to go around the entire development. He thinks that was the biggest snafu at the time but now we have it taken care of where it has to go around the entire development. You will see that in Bourdeaux Crossings sidewalks around the entire development.

Mr. Price stated something about in new developments or new homes that have to be put in by code and they cannot ask for a variance because the houses on the opposite sides don't have it.

Mr. Mandato stated that you can always ask for a variance. Nothing stops anybody from asking for a variance.

Mr. Price stated that we have seen that where you are able to literally no sidewalks or sections of a sidewalk in front of a house and then a sidewalk like a hit and skip.

Mr. Boldt stated just to clarify that it was discussed many times at the Planning Commission that they did not make a motion to bring this to council. It was just one person that was asking. His heartburn is if going forward we force every home and development being built to have sidewalks, shouldn't we have that retroactive. He tried to explain to Mr. Culley that you just can't do that. It doesn't work like that. He understands that Mr. Culley wants everybody to be the same but at different times, if we change different rules and laws as the city has grown. If you are grandfathered in, you are grandfathered in. Mr. Culley asked Mr. Boldt to take this to council for council to vote on it in a committee and give Mr. Culley a response. He is looking for this discussion to happen and either the committee is for it in making every homeowner in the city put in a sidewalk or we are against it. Mr. Boldt asked if Mr. Mandato interprets the request the same.

Mr. Mandato stated correct.

Mr. Price stated that he thinks that everybody brought up some valid points such as the storm water, the cost of relocation of utilities and there is also a long standing policy when it comes to legislation which you don't legislate for the good of one but to legislate for the good of many and he believes this could be a forced disability to a lot of people when it comes to having to pay for sidewalks through an assessment. He does not support changing anything that is currently in the code unless Mr. Mandato or any other department would come back later or make a recommendation. Short of that he doesn't know what else to do unless anybody else has any comments other than to.

Mr. Wolf moved to make a recommendation that we respond that we are against making everyone in the sidewalks be required to have sidewalks and that for further details read the committee meeting notes; seconded by Ms. Mahnic. All committee members voted in favor.

MISCELLANEOUS BUSINESS

None this evening.

ADJOURN

Mr. Price stated that with no further business to come before the committee, the meeting is adjourned.

The time was 7:28 p.m.



HELEN DUNLAP, CLERK OF COUNCIL



ROBERT BOLDT, PRESIDENT OF COUNCIL