

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, NOVEMBER 21, 2017**

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McDONNELL, MENCINI

Also in attendance were Law Director Horvath, Finance Director Cingle and Building Commissioner Hurst.

SAFETY COMMITTEE – CHAIRMAN, SALVATORE:

1. AN ORDINANCE REQUESTING CERTIFICATION TO ENFORCE THE 2017 OHIO STATE BUILDING CODES WITHIN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Salvatore asked Council to consider putting this on tonight's agenda and asked if the Building Commissioner could come to the podium for explanation.

Mr. Hurst stated this was received late from the State of Ohio for the enforcement of the new codes that went into effect November 1, 2017. Without this Ordinance the Building Department is unable to enforce the new codes in effect by the state; which is how the city gets the certification. The city adopts and agrees to enforce the model code of the State of Ohio; modeled after the International codes. This was received in the second week of October and I went to Columbus picked up all the codes and went over everything and then the Law Director and I reviewed the former codes and included the new codes and legislation was prepared.

Mr. Mencini stated this is something that would like to get completed as soon as possible.

Mr. Hurst concurred, this is good for the city and are a certified Building Department and that certification controls the insurance rates for the city, businesses and residents; the department is certified through the State of Ohio to enforce these codes. Without being able to enforce the new code in effect it will set the city back a bit. I am not sure if it does a lot of damage but there is not a whole lot of choice because the department is certified. These codes are either adopted and enforced the department becomes their own code city and enforces whatever feels is good and that changes the outlook and financial situations for every business, homeowner and the city.

Mr. Mencini clarified that is not the direction the city wants to go?

Mr. Hurst responded no, and commented that he would have liked to get this done before November 1st but obviously the delay from the state to the city. The intent was to get this done prior to the first but the process made in impossible.

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Mr. Astorino stated legislation passed in 2002 and 2008 refers to Ohio Revised Code (O.R.C.) Section 3781, dealing with Building Department matters and this piece of legislation references Ohio Revised Code 731 that deals with Municipal Corporation. My question is why this is being done differently? Mr. Astorino continued when reading O.R.C. section 731 it talks about complying with 731.21 through 731.25 that deals with some of the publications and postings. Mr. Astorino questioned why this is being done under O.R.C. section 731 instead of O.R.C. 3781?

Mr. Hurst stated that was probably a mistake and should be under O.R.C. section 3781 that is the adoption of the code itself. O.R.C. 731 might have to do with part of the residential code which is separate, will take a look at that.

Mr. Astorino stated O.R.C. section 731 deals with how the city operates with publication of ordinances and resolutions and adopting standard or technical ordinances or codes; with more requirements on postings and other things like that. If this was passed in 2008 using O.R.C. section 3781 my thinking is it should be done the same way.

Mr. Hurst believes the last Building Code update was in 2011 and thought at that time language was put into the legislation that said when the state adopted the code and it went into effect, the city automatically fell into the effective date. Mr. Hurst found out that is something that could not be done; this year it was more. Three years the cycle changes and must come back with legislation for updates; the city can't make it continuous as the State of Ohio does.

Mr. Astorino suggested that under the second Whereas, last line reads the Ohio Board of Building Standards pursuant to Section 731.231 of the Ohio Revised Code. Based under the previous ordinances adopted should be amended to Section 3781(e) of the Ohio Revised Code.

Mr. Troyer asked Mr. Hurst about updating this in 2014 and have been doing fine under the 2011 code.

Mr. Hurst responded there was not 2014, 2011 is the last state code.

Mr. Troyer stated for a fact there was a 2014 Electrical Code?

Mr. Hurst responded the electrical code the city falls under is the 2015 National Electrical Code (NEC); the dates are in there. That is why the International Code is not all 2017, the only for 2017 is Building, Plumbing and Mechanical. The International Energy Conservation Code (IECC) is 2012 and think the NEC is 2015.

Mr. Troyer stated the legislation does not provide what the changes are which is a little different than the NEC, that I'm more familiar with how it works every three years. When talking about certification what happens if the city uses what it currently has. Mr. Troyer's issue is he doesn't know what any of the changes are and is concerned with in

Safety Committee - Chairman, Salvatore: cont.

approximately 2005 the state came up with some codes changes and doesn't think the city adopted requiring hard-wired smoke detectors at a re-habilitated house. Is that something that is required under this new program?

Mr. Hurst replied those are two different codes that is the Residential Code of Ohio that has nothing to do with this. The city still falls under the old Residential Code of Ohio that has not been updated by the state. The Building, Mechanical and Plumbing code and the NEC which is a reference standard in the Building Code. NEC is, believe it or not, is a reference standard in the Fire Code. So the building, plumbing, mechanical, fuel-gas and energy codes and NEC are reference standards in the Building Code. So then the Building Code speaks of electrical requirements it automatically references to the NEC. That is all commercial this has nothing to do with the residential code that has not changed in the State of Ohio to date.

Mr. Troyer asked if this didn't come about, the Building Department could still enforce the old code, correct?

Mr. Hurst stated that is correct.

Mr. Troyer stated there is no rush because this is just enforcing new or additional codes which again, by reading the legislation Council has no idea what kind of changes there are and what is being approved. Once Council approves this legislation and going forward the city has to apply the codes to the Building Department, correct?

Mr. Hurst replied the critical part of this is to be certified, you do not have a choice. You either adopt or enforce this code or you decertify your department, there is no choice that's how this works. Mr. Hurst commented he would be more than happy to provide the book of changes detailing all the code changes.

MR. Troyer commented he was looking for changes that would affect our city.

Mr. Hurst replied the changes are effective for all cities; it is a state model code. It's the International Code that has been 'Ohio-ized' for us. For instance, it has eliminated some of the seismic requirements that may be found in Los Angeles for earthquakes and puts more requirements on energy, where is needed in the cold weather in the State of Ohio to what Florida needs in cold weather. This is the model code of Ohio and is enforced throughout the State of Ohio and not accepting it, ultimately, means you don't want to have a certified building department. I'm sure this probably could wait a week or two but there are still only two choices adopt and be certified or don't adopt and decertify the Building Department, that is detrimental city-wide.

Mr. Troyer stated if we decertify the Building Department. What does that mean? The city inspectors are still qualified to do inspections.

Mr. Hurst responded that would affect the city's insurance rates throughout the city.

Safety Committee - Chairman, Salvatore: cont.

Mr. Troyer asked Mr. Hurst how so?

Mr. Hurst responded the city's insurance companies are relying on the certification to enforce the codes and agreeing to enforcing the codes. If the city is not going to do that the city can choose to enforce anything they want or choose not to enforce anything they want.

Mr. Troyer stated to Mr. Hurst are there are any new codes that you don't agree with? That could be overly-burdensome to businesses established and or newly-forming?

Mr. Hurst responded no and if you want to go back and read the Administrative part of the code. The code is to be enforced at its most liberal point, not its most bully-some point; it's most liberal and is how it is enforced.

Mr. Troyer stated some of the other codes I know we don't have to necessarily agree or approve them, is my understanding of that.

Mr. Hurst interjected I'm not sure which ones are you speaking?

Mr. Troyer continued I'm trying to stay away from the residential, is there a timeframe on this?

Mr. Hurst stated the code went into effect November 1st, so the new code is in effect. The department does not have the ability to enforce that new code at this point. If a project comes forward there is no ability to plan reviews, etc., under the new code; which sets everything backwards.

Mr. Troyer asked at what point would the department be decertified.

Mr. Hurst replied that is up to the state, they would come in and investigate. Find out the department is not registered.

Mr. Troyer stated the new code started on November 1st, on November 16th or 17th the city decided to get this legislation printed even though three weeks have passed.

Mr. Hurst concurred.

Mrs. Powers pointed out that as Mr. Astorino stated, the section numbers are incorrect and cannot be passed as written, there needs to be right codes; we cannot pass this as written, the right code numbers are needed.

Mr. Salvatore stated it does not have to be rewritten, just amended and recommends as Chairman to place on the Council agenda immediately following to allow the Building Commissioner ample to time to verify the changes, to be amended on the floor and

Safety Committee - Chairman, Salvatore: cont.

move forward. This is not something being fast-tracked, this is doing business for the City of Brook Park and needs to be addressed.

Motion by Mr. Mencini, supported by Mrs. McDonnell to put on tonight's Council agenda.

ROLL CALL: YEAS: Mencini, McDonnell, Salvatore, Burgio, Scott

NAYS: Powers, Troyer. The motion carried with a vote of 5-2.

Mr. Astorino stated this will appear under M-2 as Ordinance No. 11007-2017.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mrs. McDonnell, to adjourn.

ROLL CALL: YEAS: Mencini, Burgio, Scott, Salvatore, Troyer, Powers, McDonnell.

NAYS: None. The motion carried.

Council President Astorino declared this meeting adjourned at 7:22 p.m.

RESPECTYULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

