

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING – TUESDAY, JULY 9, 2019**

TO ORDER:

Chairwoman Swallow called the Planning Commission meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Steve Ali, James Maleski, Vice-Chairman James Smolik, Chairwoman Jennifer Swallow and Alternate Council Liaison Michelle Hung.

Also present was Chief Building Official Guy Fursdon, Assistant Law Director Morgan, City Engineer Dan Rodriquez and Deputy Clerk of Council Michelle A. Owens.

MINUTES:

Chairwoman Swallow asked for discussion of the minutes of the regular meeting on Tuesday, June 11, 2019. No discussion was offered. The minutes are approved and placed on file.

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

APPLICANT: Gavril Budai; G&S Property Investments, LLC.
 1960 Radcliffe Dr, Westlake, OH 44145

OWNER: Gavril Budai; G&S Property Investments, LLC.
 1960 Radcliffe Dr, Westlake, OH 44145

REQUEST: Approval for construction of commercial storage units.
 REVISED PLANS – Postponed by the applicant on Tuesday, May 14, 2019.

LOCATION: 34515 Mills Road and 34555 Mills Road; east of Jaycox Road and west of
 Mills Industrial Parkway, zoned within an I-2 Light Industrial District.
 Permanent Parcel Nos. 07-00-018-101-280, 07-00-018-101-020

Application was read.

Chairwoman Swallow asked that the applicant come forward to provide an explanation of changes and additions to their proposal.

Chris Mykytiak, Attorney, Hahn Loeser & Parks LLP, 200 Public Square, Suite 2800, Cleveland, Ohio 44114, stated that he represents the applicant G&S Property Investments, LLC, and is a resident of North Ridgeville. He discussed the objections to the previous proposal, as identified from the May 14, 2019 meeting minutes. He indicated that, working alongside the architect and engineer, the revised plans were developed to address these objections.

He stated that several concerns were addressed through the Declaration of Condominium (“Declarations”), which will be recorded against the property, making clear the use is restricted solely to storage. He indicated that business and habitation concerns had also been addressed.

He addressed parking concerns. He stated that the occupant label had been removed, as the units are not intended to be inhabited or used for more than storage; in doing so, the concerns regarding minimum parking requirements had been addressed. He indicated this had been done following consultation with Assistant Law Director Morgan, Chief Building Official Fursdon and City Engineer Rodriguez. He stated that each unit will be provided with one outside parking space. He spoke further about the Declarations concerning use of common areas and driveways, which places prohibitions against creating nuisance conditions and obstruction of entry. He stated that owners would not be permitted to park wherever they want to park.

He discussed concerns with stormwater management. He stated that they had identified retention ponds and French drains. He indicated that a detailed stormwater management system would be addressed when working with City Engineer Rodriguez and Chief Building Official Fursdon.

He spoke about mounding and the visibility from the surrounding residential properties. He stated that a mound and tree line had been added to the plans to provide additional screening for the residents.

He addressed concerns with leaking automotive fluids and the potential for contamination of the city’s sanitary system. He stated that floor drains would not be provided in the units, but may have been considered at one time.

He discussed concerns with renting of units. He explained that the Declarations provide for the ability to rent from the unit owner, but the rental would be subject to all terms and conditions of the Declarations. He stated that, once recorded, the Declarations bind all subsequent purchases; changes to the Declarations would require a majority vote by unit owners.

He spoke of the concerns with noise and light pollution from the facility. He cited the provisions of the Declarations prohibiting nuisance conditions. He stated that the Declarations are enforceable by the unit owner; should they not be enforced by the unit owners, there are provisions granting enforcement rights to the city. He indicated that concerns with lighting were addressed by reducing bulb wattage and quantity of lights, installing them at a downward trajectory.

He responded to comments about the previously proposed gravel access drive. He stated that it will be concrete and asphalt, and is reflected in the revised site plan.

In response to concerns over refuse management and trash removal, he indicated it is the responsibility of each unit owner. He cited the nuisance restrictions as provided in the Declarations, which prohibits owners from leaving trash to accumulate. He stated that the Unit Owners' Association ("Association") can levy fines against owners and, if necessary, initiate legal proceedings for unpaid fines.

Chairwoman Swallow asked for questions and comments from the Commission members.

Alternate Council Liaison Hung asked if owners will pay fees to the Association.

Mr. Mykytiak responded that there will be fees and common area expenses assessed to each unit owner.

Alternate Council Liaison Hung asked about the association fee and why it would not provide for a dumpster.

Mr. Mykytiak replied that covered services are selected and specified by an association. He stated that certain services – such as snow removal and cleaning – are included in their plan; trash disposal is not.

Chairwoman Swallow asked for any other questions and comments from the Commission.

Vice-Chairman Smolik asked for confirmation that all paving, including what surrounds all storage units, will be asphalt or concrete.

Mr. Mykytiak responded that it should be in the plans. He indicated that it is their intent and believed there to be a provision in the Declarations. He stated that the Declarations identify the materials used to construct buildings and in common areas.

Member Maleski commended the applicant for making the necessary changes to address concerns. He then asked if the Auto-Turn Study had been completed, as cited in the comments from the Fire Department.

Rich Fredrickson, Rafter A, Ltd., Land Surveying & Engineering, 700 Oberlin Road, Elyria, Ohio 44035, responded that the Auto-Turn Study had not yet been conducted. He spoke about email communication with Fire Chief Reese where he had asked if it was needed at this stage. He felt confident that Auto-Turn will work, but stated they had hoped not to spend the money until final plan development. He commented that the aisles and spacing being proposed are greater than those of a similar storage facility on Mills Industrial Parkway. He discussed the possibility of making additional modifications – possibly reducing the number of units or making the buildings smaller in order to accommodate stormwater management system. He cited this as the reason for postponing the study.

Chairwoman Swallow asked for any other questions and comments from the Commission. No discussion was offered. She asked for questions and comments from the Administration.

Chief Building Official Fursdon asked about the regulating powers of the Declarations in the event that owners choose to put in their own dumpsters.

Mr. Mykytiak responded that placing a dumpster either inside or outside their unit would violate the provisions of the Declarations. He stated that it could be a nuisance to other unit owners or the Association. He explained that they would be able to take action against the owner and send a notice to remove the dumpster. He stated that the Association would have the authority to remove the dumpster and charge the unit owner if they did not comply, as it is a violation of the Declarations.

Chief Building Official Fursdon asked if they would be willing to add this provision to the Declarations.

Mr. Mykytiak replied that he believed it had already been addressed in the Declarations; if not, he stated that he has no objections to including it.

Assistant Law Director Morgan cited the Declarations, which prohibit owners from changing or altering the outward appearance of the building. She stated this provision could be interpreted to disallow placement of dumpsters outside the units.

Chairwoman Swallow asked if each unit is provided one parking space; and if it would be owned with the unit or part of the common area. She asked about restrictions against placing items in the common area.

Mr. Mykytiak responded that parking spaces are in the common area. He stated that, in addition to the provision discussed by Assistant Law Director Morgan, there are restrictions against blocking and interfering with access to other unit owners.

Chief Building Official Fursdon asked about their plans to include an optional restroom if there are no intentions of occupancy. He proposed a restroom in the sales office as an alternative.

Mr. Mykytiak responded that they are a convenience to the unit owner. He indicated that a restroom in the sales office is an option, but not one they would like to incorporate at this time. He cited safety as a concern for owners visiting the facility late at night. He mentioned that it would be highly unlikely someone would be able to live there and, if they did, there would be severe consequences. He stated that, in terms of selling, the convenience of having the optional restroom makes it a more marketable unit; but not every unit will choose to have one.

Chief Building Official Fursdon remarked that this goes on the premise that all owners are known at the time the facility is built.

Mr. Mykytiak responded that the unit will be plumbed for a toilet. He stated that an individual purchasing a unit would see the drawings of each unit and, at that time or a later date, could choose to install a toilet.

Chief Building Official Fursdon stated that he is not arguing against putting in the restrooms. He indicated that the potential for a restroom could lead to the presumption that the units can be used for more than storage. He discussed the May 14, 2019 meeting and stated his understanding had been that the applicant was considering installing one restroom in the sales office.

Mr. Mykytiak responded that it had considered, but they ultimately felt the optional restroom would make the units more marketable. He believed the Declarations to be thorough in addressing all other concerns, and stated that any habitation or business operations would be a clear violation.

Chairwoman Swallow asked for any questions or comments from Administration. No discussion was offered. She asked for other questions or comments from Commission members. No discussion was offered. She opened the floor for public comment.

Laura Orient, 34704 Highland Drive, North Ridgeville, Ohio 44039, stated that her property is directly south of the proposed facility. She discussed the revisions to the plans, which she believed to be unclear in identifying what had been changed from the original proposal. She spoke about having reviewed the revised plans and Declarations with the help of her daughter, a licensed architect. She asserted that the plans, as noted by her daughter, had been drawn based on surveys; not necessarily hard facts. She claimed her opinion was that the turning radius of vehicles is not substantiated by the drawings.

She indicated that she remains concerned with the bathrooms, and believed the applicant to be continuing to advocate for a “man-cave” concept. She then noted the placement of the bathrooms at the back of the unit, which she stated is counterintuitive to the point of having a storage unit. She indicated that the Declarations do prohibit inhabitation and use for personal makerspace, but felt that the bathrooms make those concerns possible. She asked, should the units be used for personal makerspace or vehicle repair, if the fire rating would change or would violate Code for the area.

She observed from the preliminary plans the building requirements, which denote a maximum building height of 60 feet. She felt this was extremely high for a storage unit.

Regarding revisions to the buffer zone and lighting, she requested further clarification from the applicant. She asked whether the decrease in lighting was due to a reduced number of storage units. She also asked that he describe his vision for the buffer zone at the back of the property.

Chairwoman Swallow asked if there were any other comments from the audience.

Robert Becka, 34688 Highland Drive, North Ridgeville, Ohio 44039, stated that he lives behind the proposed storage facility, east of Ms. Orient. He indicated that the revised plans still propose a chain-link fence. He also asked about the proposal to install a French drain.

Chairwoman Swallow asked if there were any other questions or comments from audience members.

Rick Friedel, 34670 Highland Drive, North Ridgeville, Ohio 44039, asked about the dump station noted in the revised plans. He spoke about the susceptibility to flooding near Jaycox Road and Mills Road, and discussed his concerns with the proposed stormwater management system. Referring to the buffer zone, he commented that he wants the existing trees to stay. He suggested that the French drain be moved to the other side of the mound; that the mound be moved north of the tree line. He expressed his concerns with the proposed mound. He asked that the Commission consider a mound similar to what is present at the intersection of Clague Road and Center Ridge Road, measuring between ten and twelve feet with an eight-foot fence on top. He also recommended planting Green Giant arborvitae, due to their quick growth rate and dense foliage.

To support his concerns, he cited an article from the Plain Dealer about Storage Condos, an Avon Lake storage facility. The article indicated that the owner had been permitted to install bathrooms within the individual units. Following reports of people living in the units, the unit owners' association maintained that it is the responsibility of the city to investigate; the city claimed to lack the manpower and resources to inspect and enforce city building codes. Legislation had since been passed placing heavier restrictions on storage facilities.

Chairwoman Swallow asked for any other public comments.

Ms. Orient asked if the Association will be able to vote to change the condo agreement.

Dennis Boose, 6405 Denise Drive, North Ridgeville, Ohio, 44039, discussed the Declarations. He stated that the unit owners' association has yet to be formed, but would take place when the first deed is filed or sold. He spoke about developer rights in amending the Declarations as provided by Article VIII(E) and Article XIIIV.

He cited Article IV(A), permitting "a wash/dump station facility for onsite use". He believed this to be in conflict with Article IV(B) indicates that "no waste will be committed in any part of the Condominium Property." He asked how they plan to regulate waste removal.

He stated that he was unsure that parking had been adequately addressed. He noted the parking spaces provided in front of each unit. He believed that maneuvering a boat trailer or RV around a parked car would be difficult.

He identified provisions that he believes suggest the units are to be used for more than storage. He stated that running water opens the door for inhabitation. He quoted Article V(A), which states that, "no Unit Owner shall install running water, sanitary sewer, or any other additional utility service, including cable, in any Unit without the prior approval of the Board." He asked why even provide the opportunity if approval is needed. In response to Article VI(A)(3), which references appliances, he asked what is meant by "appliances".

He asked for additional details about the mound and lighting. He stated that he would prefer use of a solid fence in the buffer zone.

Chairwoman Swallow asked for additional questions from the public. She restated questions presented by audience members and invited the applicant to respond.

Mr. Fredrickson responded to the questions pertaining to vehicle turning radius. He indicated that the number of units had been reduced to 116, which will measure 22 feet wide; and the garage door has been widened to 16 feet.

With regard to bathrooms, he explained that the sanitary plumbing system/sanitary line will be installed at one end and continue through the center of the complex, the most cost-effective approach. He stated that offering the optional bathrooms would attract more sales and produce additional revenue. He remarked that the owner has no intention to allow for inhabitation of the units.

In response to questions about lighting, he described plans to install one light fixture for every two units, directed downward. He proposed use of 150-watt bulbs; reduced from 250 watts.

He spoke about the buffer zone. He stated that the applicant would consider a privacy fence rather than a mound, if preferred by the residents. He indicated that the placement proposed for the French drain is to eliminate the possibility of standing water at the back of property line.

Vice-Chairman Smolik asked Mr. Fredrickson to explain French drains and how they work.

Mr. Fredrickson stated that a French drain is a trench between one and two feet wide, which has a perforated pipe installed at the bottom. He stated that it will remove water at the back of the property, directing that water back onto their site. He discussed the proposed location of the drain in relation to the mound. He explained that installation between the residential lots and the mound is to account for the water draining from Highland Drive; to relocate the drain to the opposite side of the mound could result in ponding.

He suggested that, with regard to trees at the back of the property, the applicant would be willing to explore other options.

Mr. Friedel replied that the city had already installed a drain near the rear property line. He stated that there is no need for the French drain because of the existing drain. He remarked that he has no issue with the French drain but wants it to be installed on the other side of the mound. Concerning the buffer zone, he stated that he wants to see both a mound and a fence. He again spoke about a landscaping mound in Westlake that lies between a residential neighborhood and AutoNation Ford. He felt a similar mound would be adequate to block the light from the storage facility.

Mr. Fredrickson responded that they want to ensure that all water is collected from their site and directed through their stormwater management system. He stated that they will likely use an eight-inch perforated pipe for the French drain system. He commented that Mr. Friedel's suggestion of Green Giant arborvitae was an option. In response to questions concerning building height, he stated that it would be 30 feet, at peak; not 60 feet.

City Engineer Rodriguez stated that 60 feet is the maximum per Zoning Code.

Mr. Mykytiak responded to comments about the dump station. He explained that a dump station is an area where an RV can empty waste, which then enters the sewer system. Regarding the Declarations, he commented that they had been drafted to comply with Ohio Revised Code. He stated that amendments are permitted under state law. He mentioned that he would be willing to remove the term “appliances.” He asked if there were any other questions he had not addressed.

Chairwoman Swallow asked about the value of having individual restrooms in each unit, as opposed to one unisex restroom in each building.

Mr. Mykytiak responded that not every unit would have a bathroom, since not everyone would want one. He stated that it would depend on the individual owner but that, in terms of ownership, to give the option would be more attractive.

Chairwoman Swallow asked for any additional comments or questions.

Chief Building Official Fursdon asked about the dump station and how the city will charge a sewer rate.

Mr. Fredrickson responded that a metering system would need to be established. He stated that a cost analysis would also be needed to see if the dump station would be feasible.

Mr. Mykytiak indicated that this could be something that could be an Association expense.

Chief Building Official Fursdon responded to comments concerning enforcement of the Declarations by the city. He stated that the city can only enforce their ordinances. He indicated that, should the Association not enforce the Declarations, it cannot fall back on the city; the city would not be able to enforce them.

Mr. Mykytiak responded that any of the unit owners can also enforce them. He agreed with Chief Building Official Fursdon and stated that the city has no obligation to do that.

Chief Building Official Fursdon responded to concerns about automotive repair. He indicated that this would constitute a change of use, which would require that plans be submitted to comply with Ohio Building Code.

Chairwoman Swallow asked for any other questions or comments from the Commission.

Member Ali asked about lighting; whether they are proposing LED or motion sensor.

Mr. Fredrickson answered that they are 150-watt, light-sensor LED bulbs.

Member Ali commented that the landscaping mound mentioned by Mr. Friedel does look nice.

Chairwoman Swallow asked for any other comments or questions from the Commission.

Alternate Council Liaison Hung noted the overhead door and man door for each unit. She asked why there is a need for the bathrooms or man door. She also asked if air conditioning could be added to the units.

Mr. Mykytiak stated that there would be heat in the winter; but there would be no air conditioning in the units. He did not understand the concern with the man door.

Member Maleski spoke about his familiarity with newer storage facilities. He stated that he works in Huron, a boating community, where similar facilities exist for use by people with boats and RVs. He indicated, given the growth within the city, they are now beginning to see more people with boats and RVs who have a need for this type of storage facility. He addressed the concerns with bathrooms and stated that his friends would often spend the day repairing, washing or working on their boats. He mentioned that the bathroom is seen as a convenience and that they have no intention of living in the units.

Chairwoman Swallow asked if there were any other comments or questions from the Commission. No discussion was offered.

Assistant Law Director Morgan commented that the applicant had previously agreed to the removal of “appliances”. She indicated that turning radius verification and metering would be required in any event; as well as working with the City Engineer with regard to drainage. Concerning mounding and fencing, she stated that the applicant can agree to do more but the city cannot enforce more than the ordinances allow. She believed it to be reasonable to expect that the Declarations remain unchanged from what was presented.

There was discussion concerning the dump station. It was suggested that the dump station may be regulated by the EPA. It was noted that the dump station had been addressed in comments from City Engineer Rodriguez.

Chairwoman Swallow asked for any further discussion. No discussion was offered.

It was moved by Swallow and seconded by Ali to approve the application conditional upon the removal of references to appliances and utilities being installed from the Association Declarations; the Declarations remaining in substantially the same form as they are now until filed; verification of turning radius and drive radius; installation of a mound with a fence and landscaping at the back of the property; implementation of a waste metering system that measures waste entering the city’s sanitary sewer systems; that drainage be installed in accordance with the City Engineer and their requirements.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

APPLICANT: Thomas “Jeff” Kadusky; MCI-Metro
12300 Ridge Rd, North Royalton, OH 44133

OWNER: City of North Ridgeville – right-of-way
7307 Avon Belden Rd, North Ridgeville, OH 44039

REQUEST: Installation of fiber optic conduit in the right-of-ways of Lear Nagle Road and Lorain Road.

LOCATION: Lear Nagle Road right-of-way, extending from Boulder Drive to Lorain Road; a portion of Lorain Road right-of-way, extending northeast from Lear Nagle Road.

Application was read.

Chairwoman Swallow asked that the applicant come forward to provide an explanation of their proposal.

Eric LaCourse, Design Manager, OSP Engineering Manager, MasTec, 523 Berkshire Road, Elyria, Ohio, 44035, discussed the MCI-Metro proposal for fiber densification.

James Pohlod, Senior Project Manager, Foresite Group, 120 W Washington Street, Suite 2-A, Medina, Ohio 44256, stated that Foresite Group is providing the engineering for MasTec.

Chairwoman Swallow asked if it will be underground fiber optics.

Mr. LaCourse answered yes. He stated their proposal is to place a two-inch conduit within the right-of-way; with vaults along the right-of-way to pull the fiber cable through. He stated that there will be storage within the vaults for future access.

Chairwoman Swallow asked for any comments or questions from the Commission.

Vice-Chairman Smolik stated that there are two separate projects: one on Lear Nagle Road and a second on Lorain Road. He discussed his concerns with their proposal for Lear Nagle Road. He stated that the fiber placement is directly above the city water main. He asked why they are unable to go aerial rather than underground.

Mr. Pohlod indicated that their preference is to go aerial, which is typically more cost effective. He stated that, based on field evaluations, they chose underground installation.

Vice-Chairman Smolik stated that their placement above a waterline puts city services at a disadvantage in the event of maintenance or repairs to the waterline. He commented that the city would have to work around their utility. He asked if there are other locations for the project.

Mr. Pohlod replied that they would work with City Engineer Rodriguez to identify city utilities.

Mr. LaCourse stated that they would be willing to work with the city to relocate the fiber cable so as not to interfere with any utilities. He indicated that they are only seeking approval to place

the cable within the right-of-way.

Vice-Chairman Smolik asked if this would include going aerial.

Mr. LaCourse responded that it would be something they would need to study. He discussed costs associated with underground and aerial construction. He stated that, when taking into account aerial construction on a transmission pole – along Lear Nagle Road – costs are determined by the owner of the transmission pole.

Vice-Chairman Smolik discussed the Lorain Road project. He suggested that it could potentially interfere with underground traffic signal equipment. He stated that their plans illustrate construction directly under that equipment; and they are going directly through signal pull boxes.

Mr. LaCourse responded that this is a preliminary plan. He indicated that there would be further investigation of the site prior to construction. He stated that, should they discover any obstacles, they would work towards a solution with City Engineer Rodriguez. He discussed ground penetrating radar systems, which will be used to locate any existing underground utilities and infrastructure. He stated that MasTec strives for safety and will pay more to ensure those safety concerns are addressed.

Chairwoman Swallow asked for any other comments or questions from the Commission. No discussion was offered. She asked for any comments or questions from the Administration.

City Engineer Rodriguez referred to comments from Vice-Chairman Smolik. He discussed the plans for the Lear Nagle Road project, which shows construction crossing through waterlines and possibly valves. He stated that these sections need to be revisited. With regard to the Lorain Road plans, he believed this project had been changed to aerial.

Mr. LaCourse stated that the existing portion was changed to aerial, but a future portion would be underground for which they would still like the conduit in place. He stated that having a conduit in place would allow service to customers located on the opposite side of the street. He suggested this to be especially ideal for large intersections. He then stated that they would consider other locations.

City Engineer Rodriguez responded that they need to make certain they would not interfere with any other utilities. In regard to the Lorain Road proposal, he believed the intersection to be equipped with radar sensor, which should not have traffic loops. He indicated there should not be traffic loops, but informed them of electrical conduits that run through the signals. With reference to Lear Nagle Road, he identified concerns with the waterline at Maple Avenue and continuing north for a few hundred feet; then again between 6834 Lear Nagle Road and 6787 Lear Nagle Road. He stated that more investigation is needed to locate the existing waterline in relation to the proposed conduit, specifically citing road crossings.

Mr. LaCourse stated that, if and when they cross the path of the waterline, the area would be excavated to expose and visually ensure no damage resulting from the drill head. In addition,

there will be video footage before and after confirming the area is restored to its original condition.

City Engineer Rodriguez commented on the close proximity of the conduit to storm sewers at Chestnut Ridge Road; and 2-3 culverts on Lear Nagle Road.

Mr. LaCourse replied that there would be pre-inspection and post-inspection video documentation proving no damage to area.

Chairwoman Swallow asked for any other comments or questions.

Chief Building Official Fursdon asked the purpose of the fiber optic cable.

Mr. LaCourse explained that cable companies had installed fiber optic cables to cell tower locations prior to launching 4G LTE, approximately ten years ago. He discussed plans to build a fiber backbone throughout northeast Ohio – traversing 17 communities – for future upgrades due to growing demand in the area.

Chief Building Official Fursdon asked about damage to the fiber optic cable and the cost of loss of service. He stated that the city is allowing use of its right-of-way; and should be held harmless for accidental damages arising from the servicing of city utilities.

Mr. LaCourse responded that his concerns are understandable.

Assistant Law Director Morgan asked about an agreement between the city and MCI-Metro/Verizon. She was unaware of the existence of an agreement and asked that the applicant provide contact information.

Chairwoman Swallow asked for any other comments or questions from the Administration. No discussion was offered. She opened the floor for public comment. No discussion was offered. She asked for any other comments or questions from the Commission.

Vice-Chairman Smolik asked that right-of-way crowding be taken into consideration by Commission members. He believed that, if possible, aerial fiber optic installation would be best.

Alternate Council Liaison Hung stated that she would be abstaining from voting due to a familial relationship with applicant Thomas “Jeff” Kadusky.

Chairwoman Swallow asked for any other comments or questions. No discussion was offered.

**NORTH RIDGEVILLE PLANNING COMMISSION
REGULAR MEETING – TUESDAY, JULY 9, 2019**

PAGE 13

It was moved by Smolik and seconded by Ali to deny the application as presented.

A voice vote was taken and the motion carried.

Yes – 4 No – 0 Abstain – 1 (Hung)

Assistant Law Director Morgan asked members to provide their reasons for denial.

Vice-Chairman Smolik cited utility conflicts within the submitted plans.

Chairwoman Swallow indicated concerns with the location of the fiber in relation to other utilities; and not submitting a firm plan.

Member Maleski stated his concerns with location to utilities and liability of the city, as noted by Chief Building Official Fursdon.

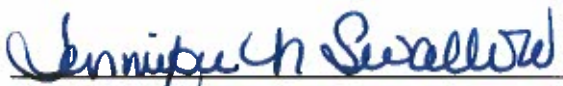
Member Ali expressed concerns with utilities and city liability for damages.

Mr. LaCourse asked if revised plans illustrating aerial installation would be sufficient for a right-of-way permit.

Assistant Law Director Morgan indicated that the applicant would be required to submit a new application; she could not offer any guarantee as to the outcome. Regarding a fiber optic agreement, she asked the applicant to provide contact information.

ADJOURNMENT:

The meeting was adjourned at 8:44 PM.


Jennifer Swallow
Chairwoman


Michelle A. Owens
Deputy Clerk of Council

Tuesday, August 13, 2019
Date Approved