

The Council of the City of North Royalton caucused in the North Royalton City Hall Council Chambers, 14600 State Road on **September 6, 2016, at 7:25 p.m.**

**PRESENT: Council:** President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert A. Stefanik, Law Director Thomas Kelly, Finance Director Eric Dean.

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 14600 State Road on **September 6, 2016 in regular session.** The meeting was called to order at **7:30 p.m.** by President of Council Larry Antoskiewicz and opened with the Pledge of Allegiance.

**PRESENT: Council:** President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert A Stefanik, Law Director Thomas Kelly, Finance Director Eric Dean.

## **CONSENT AGENDA**

- a. Approval of Minutes: July 19, 2016.
- b. 6 month extension – Matteo Business Park site plan approval
- c. Legislation:

### **RESOLUTION 16-115**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION ACKNOWLEDGING THE COMMUNITY SERVICE OF GARY GALKA.** Title read.

### **RESOLUTION 16-116**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION ACKNOWLEDGING THE COMMUNITY SERVICE OF LOU GNEZDA.** Title read.

### **RESOLUTION 16-117**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION COMMENDING BENJAMIN DONALD TAKITCH ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT.** Title read.

### **RESOLUTION 16-118**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF OWEN J. LYNCH AS A FIGHTER/PARAMEDIC IN THE CITY OF NORTH ROYALTON FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.** Title read.

### **RESOLUTION 16-119**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RYAN C. MILLIGAN AS A FIREFIGHTER/PARAMEDIC IN THE CITY OF NORTH ROYALTON FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.** Title read.

### **RESOLUTION 16-120**

Introduced by: Antoskiewicz, Petrusky, Marnecheck. **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.** Title read.

**ORDINANCE 16-121**

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID COST OF CUTTING OF WEEDS, GRASS AND WOODY VEGETATION FOR LEVY AND COLLECTION, AND DECLARING AN EMERGENCY.** Title read.

**ORDINANCE 16-122**

Introduced by Petrusky, Langshaw, Muller. **AN ORDINANCE AMENDING ORDINANCE 16-38 WHICH AUTHORIZED THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF FOUR (4) 2016 FORD INTERCEPTOR SUV'S FOR THE NORTH ROYALTON POLICE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$120,000, AND DECLARING AN EMERGENCY.** Title read.

**RESOLUTION 16-123**

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF IAN M. ANDERSON AS A FIREFIGHTER/PARAMEDIC IN THE CITY OF NORTH ROYALTON FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.** Title read.

- No one on Council wished to have an item removed from the Consent Agenda for discussion.
- No one in the audience wished to have a legislative item removed from the Consent Agenda for discussion.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **excuse Mr. Muller from voting on the minutes of July 19, 2016.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None.** (Excused: Muller). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee for those legislative items on the Consent Agenda.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None.** **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None.** **Motion carried.**

**COMMUNICATIONS:** None.

**MAYOR'S REPORT:** No report.

**DEPARTMENT HEAD REPORTS:** No reports.

**PRESIDENT OF COUNCIL'S REPORT:** No report.

**COMMITTEE REPORTS:**

All Committees, Boards, and Commissions announced the dates and times of their next regularly scheduled meetings and reviewed items currently on their agendas. All meetings are held at City Hall, 14600 State Road, unless otherwise noted. A complete meeting schedule is available from the Council Office. ***Any changes to the regular schedule of Council or committee meetings are noted below.***

**LEGISLATION****THIRD READING CONSIDERATION****ORDINANCE 16-98**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID DELINQUENT SEWER CHARGES FOR LEVY AND COLLECTION, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to amend Ordinance 16-98 by replacing the original Exhibit A with the final version of Exhibit A. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None.** **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-98 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None.** **Motion carried.**

**SECOND READING CONSIDERATION****ORDINANCE 16-112**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1276 BUSINESS DISTRICTS, SECTION 1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICTS BY CREATING A NEW PARAGRAPH (d) ENTITLED CONDITIONAL USES PERMITTED TO ALLOW FOR THE COMMERCIAL OPERATION OF NURSING FACILITIES AND ASSISTED LIVING FACILITIES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 16-112 by replacing the original Ordinance with the a final version of the Ordinance containing amendments as recommended by the Planning Commission.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-112 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**ORDINANCE 16-113**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1281 TRADITIONAL TOWN CENTER/MAIN STREET DISTRICT (TCD), SECTION 1281.03 USE REGULATIONS, SCHEDULE OF PERMITTED USES IN TCD 1, 2, 3, 4, AND 5 TO ALLOW FOR THE COMMERCIAL OPERATION OF NURSING FACILITIES AND ASSISTED LIVING FACILITIES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 16-113 by replacing the original Ordinance with the a final version of the Ordinance containing amendments as recommended by the Planning Commission.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-113 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**FIRST READING CONSIDERATION****ORDINANCE 16-124**

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART EIGHT BUSINESS REGULATION AND TAXATION CODE, BY CREATING A NEW CHAPTER 878 WAGE ENFORCEMENT, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Finance Committee.**

**ORDINANCE 16-125**

Introduced by: Muller, Antoskiewicz, Nickell. **AN ORDINANCE ACCEPTING A PERMANENT ROADWAY EASEMENT FROM MICHAEL AND ANGELA BUTCH, PPN 485-17-005, FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, REPAIRING AND OPERATING A PUBLIC ROADWAY AND ASSOCIATED IMPROVEMENTS, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-125.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**ORDINANCE 16-126**

Introduced by: Langshaw, Muller, Petrusky. **AN ORDINANCE ACCEPTING THE BID OF SET IN STONE CONTRACTING, LLC FOR THE STORM WATER IMPROVEMENTS FOR THE YORK ROAD/TILBY ROAD STREAMBANK IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$77,635.25 AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-126.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**ORDINANCE 16-127**

Introduced by Nickell, Kasaris, Antoskiewicz. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1260 GENERAL PROVISIONS AND DEFINITIONS, SECTION 1260.07 DEFINITIONS TO ADD APPROPRIATE DEFINITIONS FOR THE COMMERCIAL OPERATION OF NURSING FACILITIES AND ASSISTED LIVING FACILITIES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-127.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**ORDINANCE 16-128**

Introduced by: Mayor Stefanik. **AN ORDINANCE IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF NORTH ROYALTON, OHIO, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 16-128.**

Mr. Kasaris asked Mr. Kelly to explain the purpose of this legislation. Mr. Kelly said that the State Legislature has passed HB 523 which becomes effective Thursday, September 8, 2016. It is a bill of state wide application. Because this is a complex matter and it involves the legalization of an illegal drug and a controlled substance, there is a great deal of dust in the air. The state Department of Commerce is to regulate the cultivators. The state Pharmacy Board is to regulate the dispensaries. The state Medical Board is to regulate the doctors who are licensed to prescribe. The state has given the local communities the authority to limit or prohibit the number of cultivators, processors, and dispensaries within the corporate limits. He said that we will be having some seminars in the near future in order to get some additional knowledge on the subject before a decision is made. Mr. Kelly said that if we do not enact this moratorium, effectively we are subject to the state wide application of the law immediately. As a practical matter, the state is not prepared immediately to license anyone to do this. Nonetheless, in an abundance of caution and for all the good reasons you can imagine, we recommend strongly the passage of this legislation to allow all of us time to decide what is best for North Royalton. Mr. Kasaris said that given that the state is approximately two years away from doing anything, does this mean that we can extend this moratorium 4 times. Mr. Kelly said no. Typically the law does not favor moratoriums and unless there is some compelling reason to do so, six months should be plenty of time for us to come to some rational understanding as to how to deal with this for our community. Mr. Kasaris asked if marijuana would still be illegal federally. Mr. Kelly said yes. In fact, there is a great conflict in the law. Some people are telling medical marijuana patients that you can go across state lines and bring medical marijuana back to Ohio. Plainly, this would be a violation of federal law. Mr. Langshaw said that it is his opinion that the general assembly did not do their job regarding HB 523. They rushed it through and are still two years away from having the boards and commissions in place. He said that they are ill prepared and it is a disservice to the people with medical conditions that this law is supposed to help. He said that he looks forward to learning more about the issue and making the best decision possible for North Royalton.

Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**ADJOURNMENT**

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adjourn the September 6, 2016 City Council Meeting.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

**Meeting adjourned at 7:50 p.m.**

APPROVED: /s/ Larry Antoskiewicz DATE APPROVED: October 4, 2016  
PRESIDENT OF COUNCIL

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES