

The Council of the City of North Royalton caucused in the North Royalton City Hall Council Chambers, 14600 State Road on **June 6, 2017, at 7:00 p.m.**

PRESENT: Council: President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Cheryl Hannan, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert 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 **June 6, 2017 in regular session.** The meeting was called to order at **7:02 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, Cheryl Hannan, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Finance Director Eric Dean.

CONSENT AGENDA

- a. Approval of Minutes: May 16, 2017
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a D5 and D6 transfer permit for LGD Enterprise LLC, 6031 Royalton Road & Patio.
- c. Authorize the Mayor and City Engineer to advertise for bids for the roadway improvements to Parkdale Drive and Royalhaven Drive.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **approve the consent agenda as presented and read.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Hannan, Kasaris). Nays: **None. Motion carried.**

COMMUNICATIONS: None

MAYOR'S REPORT:

Mayor Stefanik welcomed Joe Benny, representative from Congressman Renacci's Office.

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: No action 17-70.

FIRST READING CONSIDERATION

ORDINANCE 17-75

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 16-163 AS AMENDED BY ORDINANCES 17-12, 17-50 AND 17-69 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, 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, Hannan, Kasaris). Nays: **None. Motion carried.** Moved by Mr.

Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 17-75**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Hannan, Kasaris). Nays: **None**. **Motion carried.**

ORDINANCE 17-76

Introduced by Nickell, Kasaris, Antoskiewicz. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWO ADMINISTRATION CODE, CHAPTER 214 GENERAL FEE SCHEDULE, SECTION 214.07 FEES IN THE PLANNING AND ZONING CODE, PARAGRAPH (d), AND CREATING A NEW PARAGRAPH (e), 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, Hannan, Kasaris). Nays: **None**. **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 17-76**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Hannan, Kasaris). Nays: **None**. **Motion carried.**

ORDINANCE 17-77

Introduced by Nickell, Kasaris, Antoskiewicz. **AN ORDINANCE ACCEPTING THE BID OF BAUMANN ENTERPRISES, INC. FOR THE CITY OF NORTH ROYALTON "OLD" CITY HALL DEMOLITION FOR AN AMOUNT NOT TO EXCEED \$96,765.19 AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability of Funds has been signed by the Finance Director stating that funds are available or are in the process of being collected in the **Future Capital Improvement Fund #432**.

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, Hannan, Kasaris). Nays: **None**. **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 17-77**.

Mr. Kasaris said that the old city hall is in bad condition and it is time for this facility be demolished and replaced. He said that the elected officials who served before us had the opportunity to set money aside to preserve and maintain the building but did not do so and we are now left with a situation where we have a building that we cannot afford to maintain and is too expensive to bring up to code.

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

ORDINANCE 17-78

Introduced by: Hannan, Antoskiewicz, Nickell. **AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC. FOR THE 2017 ASPHALT PAVEMENT REHABILITATION WITH ASPHALT OVERLAY (TILBY ROAD) FOR AN AMOUNT NOT TO EXCEED \$505,898.57 AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability of Funds has been signed by the Finance Director stating that funds are available or are in the process of being collected in the **SCM&R Fund #211**.

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, Hannan, Kasaris). Nays: **None**. **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 17-78**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Hannan, Kasaris). Nays: **None**. **Motion carried.**

MISCELLANEOUS

Bev Phiel, 5820 Goodman Drive, addressed Council regarding Grace Bros. Nursery. She said that there was a court judgement to allow this facility to be grandfathered as a nursery even though it is zoned for residential use. She asked why the city is not upholding the judgement entry made in 1991, the legal opinion rendered in 2002, and the Planning Commission minutes of 2002 as far as Grace Bros. bringing in their landscape business about 5-6 years ago after they got their foot in the door. This landscape business is not grandfathered. Mr. Kelly said that he will ask the Building Commissioner to make an inspection of the facility to see whether or not Grace Bros. are in compliance with, and conforming to, the court order. The only document that is relevant is the judgement entry that the city entered into. This was under a prior

administration, there was some litigation and this litigation was resolved by an agreed entry. The agreed entry binds the community and binds the Grace Bros. He said that we will look into this to see if they are holding up their end, and if they are not then it is up to the Building Commissioner as to what is to be done. Ms. Phiel said that she has made several complaints about the dust and this is the reason she is pursuing this.

Joe Benny from Congressman Rennaci's office addressed Council regarding the Veterans' Mobile Outreach event they are sponsoring at the Strongsville VFW on June 14, 2017 from 2:00 p.m. to 6:00 p.m. He said that the event will assist veterans with things such as benefit questions, filing claims, etc. He said that he will provide the city with informational brochures so that those interested will have this information.

Val Tabone, 10111 Bentley Drive, addressed Council. She asked why the city does not have an Architectural Review Board. She is asking this because of the building at Rt. 82 and Bennett Road that was painted a hideous green and yellow. She said that she does not think that this looks good in our city. She feels that it is an eyesore. Mayor Stefanik said that unfortunately there is no law against bad taste. Mr. Kelly said that we do not have any control over what colors people choose or, within broad limits, architectural style. Ms. Tabone asked if the city ever had an ARB. Mr. Kelly said that we had one at one time but it was dissolved years ago. Mr. Kasaris said that it mainly dealt with sign ordinances. The duties of the ARB were divided between the Planning Commission and the Building Commissioner. He said that the ARB never had control over color. She said that this makes our city look bad. Mr. Kelly said that we might all agree, but as it has been said for thousands of years...beauty is in the eye of the beholder. Ms. Tabone said that cities such as Beachwood, Chagrin Fall, Lakewood, etc. all have strict sign laws. She works for an architectural firm and when they present to these cities they have to show paint colors and they are very strict. She asked why North Royalton can't have this aesthetic in the city and enforce it. She asked if we are going to wait until it looks so bad that we look like a rundown city. Mayor Stefanik said that the building she is talking about was an existing business. If it was a brand new building going up we would have a lot more say about it at the Planning Commission. This situation is similar to a house changing title and the new owners decide to change the color of the paint. He said that sometimes there is too much law, sometimes there is not enough, and sometimes people think that city's overstep their boundaries. He said that in this case, this color would not be his first choice. Ms. Tabone said that it is right in the heart of our city and could cause an accident because it is so ugly. Mayor Stefanik said that there isn't anything we can do about it in this case. He said that the new property owner didn't ask for a variance for a new sign, they didn't ask to enlarge the building, or to change the scope of the business; it's still an auto repair shop and the owner decided to change the color of the building. Ms. Tabone asked what the city's sign restrictions entail. Mayor Stefanik said that any request for a sign would have to be presented to the Planning Commission and possibly the Board of Zoning Appeals. Ms. Tabone said that if there are restrictions on signs, why aren't there restrictions on the exterior façade. Mr. Kelly said that he does not have an answer that will solve Ms. Tabone's problem. He said that many of the sign ordinances that are in effect today have all been abrogated by the US Supreme Court within the last 18 months. So the sign ordinances that are prized by Beachwood, Lakewood, etc. may not be as enforceable as they once were. He said that there is not a groundswell for the kind of legislation that Ms. Tabone would find desirable. Mr. Antoskiewicz said that this meeting is not the proper place to have this discussion. He said that there will be a Building & Building Codes committee meeting on June 20, 2017 and said that this may be a better venue for this topic. Ms. Tabone asked about the development pending on Abbey Road. She asked if this has been approved. Mr. Antoskiewicz said that this has not been approved yet and is tabled in the Planning Commission. He suggested that her concerns about this should be addressed at a Planning Commission meeting. Ms. Tabone asked which venue is the proper one to discuss oil wells. Mr. Petrusky said that would be the Safety Committee which meets on June 20, 2017 as well.

ADJOURNMENT

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adjourn the June 6, 2017 City Council Meeting**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Hannan, Kasaris). Nays: **None. Motion carried.**

Meeting adjourned at 7:57 p.m.

APPROVED: /s/ Larry Antoskiewicz DATE APPROVED: June 20, 2017
PRESIDENT OF COUNCIL

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