

The Council of the City of North Royalton caucused in the North Royalton City Hall Council Chambers, 14600 State Road on **September 1, 2020, at 9:01 p.m.**

PRESENT: Council: President of Council Paul Marnecheck, Council Representatives Jessica Fenos, Linda Barath, Jeremy Dietrich, Vincent Weimer, Michael Wos, Legislative Services Director Dana Schroeder; **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 14600 State Road on **September 1, 2020 in regular session.** The meeting was called to order at **9:04 p.m.** by President of Council Paul Marnecheck and opened with the Pledge of Allegiance.

PRESENT: Council: President of Council Paul Marnecheck, Council Representatives Jessica Fenos, Linda Barath, Jeremy Dietrich, Vincent Weimer, Michael Wos, Legislative Services Director Dana Schroeder; **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly.

CONSENT AGENDA

- a. Approval of Minutes: July 21, 2020
 - b. Accept the resignation of Ward 3 Council Representative Jeffrey McCarthy pursuant to Chapter 220, Section 220.06, Rule XXIII of the Codified Ordinances of the City of North Royalton.
- No one on Council wished to have an item removed from the Consent Agenda for discussion.

Moved by Mr. Marnecheck, seconded by Ms. Barath **to adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Wos). Nays: **None.** **Motion carried.**

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: No report.

PRESIDENT OF COUNCIL'S REPORT: Mr. Marnecheck reminded everyone that there is a Special Council Work Session on September 3, 2020 at 6:00 p.m. and a Special Council Meeting on September 4, 2020 at 5:00 p.m.

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.***

PUBLIC DISCUSSION

Michael McDonald – 14599 Bennett Road

Mr. McDonald stated Ordinance 20-100, first off, I want to be on the record and say I do not condone the actions of Langshaw, McCarthy and any Council members that voted for McCarthy. Without a proper background check, how things were done in the past should not be an excuse for how things are done now. Your job is to be thorough. As Council woman Barath stated earlier today, look at the job, not the person. I believe you should pull the Charter amendment because you are continually kicking Langshaw, McCarthy, for actions they have done. I strongly believe that any legislation that's passed in the future cannot apply to an event that occurred prior. Any junior attorney would clean the city's clock in that matter. I believe you should do your damage control and remove the legislation. Stop showing the Council's black eye, the City's black eye and there's no need to kick anyone else while they're down.

Mr. Kelly stated he heard Mr. McDonald repeatedly state that some junior lawyer is likely to take us to court and clean our clock or whatever he's going to clean, I'm not sure. I want you to know and want all of Council to know that the legislative acts of City Council are given great weight in the courts and are presumed to be valid as against any challenge. Now that doesn't mean a challenge couldn't be made and that it may not be made successfully. But I want you to know that there is a presumption in favor of what you do. So long as you do it properly.

LEGISLATION**THIRD READING CONSIDERATION:****ORDINANCE 20-96**

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND RECORD DEEDS TRANSFERRING PERMANENT PARCEL NUMBERS 481-12-095 (YORK ROAD), 482-03-004 (POTOMAC), 484-17-016 (KINGSTON WAY), 489-30-012 (APOLLO DRIVE), AND 489-31-037 (APOLLO DRIVE) FROM THE NORTH ROYALTON LAND REUTILIZATION PROGRAM TO THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY.** Title read.

No action

FIRST READING CONSIDERATION:**ORDINANCE 20-99**

Introduced by: Barath, Fenos. **AN ORDINANCE ACCEPTING THE DEDICATION OF 337 FEET OF SHAWNEE CIRCLE AND 229 FEET OF CHIPPEWA PATH IN THE PROPOSED INDIAN TRAILS SUBDIVISION PHASE 2 FROM WOODHILL PROPERTIES, INC., AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading**

ORDINANCE 20-100

Introduced by: Dietrich. **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON A CERTAIN AMENDMENT TO ARTICLE III, THE COUNCIL, BY CREATING A NEW SUBSECTION (p) ENTITLED "EFFECT OF RESIGNATION OF OFFICE OR REMOVAL FROM OFFICE" INTENDED TO DELAY FOR SUCH MEMBER THE OPPORTUNITY TO RUN FOR ELECTIVE OFFICE FOR A PERIOD OF FOUR YEARS IMMEDIATELY FOLLOWING RESIGNATION OR REMOVAL, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.** Moved by Mr. Dietrich, seconded by Mr. Vos to **adopt Ordinance 20-100.**

Mr. Dietrich stated he would like to remind Council that we have commented in R&O that it is up to the voters, so I say let it go to the voters. The voters will ultimately determine that this completely goes through as written. Voting tonight, puts it to the voters.

Roll Call: Yeas: **Three** (Marnecheck, Dietrich, Vos). Nays: **Three** (Fenos, Barath, Weimer) **Motion defeated.**

ORDINANCE 20-101

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER TO THE ESCROW AGENT A DEED IN ACCORD WITH THE TERMS OF PRIOR ORDINANCE 20-79 TRANSFERRING PPN 483-23-011 TO THE DESIGNEE OF THE SUCCESSFUL BIDDER, TRANSPORT SERVICES LLC, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Mr. Vos to **amend Ordinance 20-101 replacing the original Exhibit A with a new Exhibit A.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.** Moved by Ms. Barath, seconded by Mr. Marnecheck to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.** Moved by Ms. Fenos, seconded by Mr. Weimer to **adopt Ordinance 20-101 as amended.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.**

ORDINANCE 20-102

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE YORK ROAD GABION BASKET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.** Title read.

Moved by Ms. Barath, seconded by Ms. Fenos to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.** Moved by Mr. Marnecheck, seconded by Ms. Fenos to **adopt Ordinance 20-102.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

ORDINANCE 20-103

Introduced by: Marnecheck, Barath, Vos. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1045 BILLING, COLLECTION AND CUSTOMER SERVICE, SECTION 1045.08, SANITARY SEWER CHARGES GENERALLY, PARAGRAPH (1)(a), AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.** Moved by Mr. Marnecheck, seconded by Ms. Barath to **adopt Ordinance 20-103.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

ORDINANCE 20-104

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONSERVATION EASEMENT TO THE WEST CREEK CONSERVANCY, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading**

ORDINANCE 20-105

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE DONATION AGREEMENT WITH THE WEST CREEK CONSERVANCY FOR CERTAIN REAL ESTATE DEFINED AS PPN 483-05-002, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading**

ORDINANCE 20-106

Introduced by: Vos, Dietrich. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) 2020 GMC SIERRA 1500 FOR THE NORTH ROYALTON POLICE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$28,574.00, REPEALING ORDINANCE 20-61 AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability of Funds has been signed by the Finance Director stating that these funds are available or are in the process of being collected in the **Police Service Levy Fund #215.**

Moved by Mr. Marnecheck, seconded by Ms. Barath to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.** Moved by Mr. Marnecheck, seconded by Mr. Vos to **adopt Ordinance 20-106.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

ORDINANCE 20-107

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE ACCEPTING THE BID OF G&B ELECTRIC CO FOR THE BASEBALL FIELD LIGHTING UPGRADE FOR AN AMOUNT NOT TO EXCEED \$85,600.00 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 these funds are available or are in the process of being collected in the **NOPEC Grant Fund #221**.

Moved by Mr. Marnecheck, seconded by Mr. Weimer to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**. Moved by Mr. Marnecheck, seconded by Mr. Vos to **adopt Ordinance 20-107**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**.

ORDINANCE 20-108

Introduced by: Vos, Dietrich, Weimer. **AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR THE NORTH ROYALTON WASTEWATER TREATMENT PLANT "A" BLOWER BUILDING, CONTROL BUILDING AND MISCELLANEOUS IMPROVEMENT PROJECT BETWEEN THE CITY OF NORTH ROYALTON AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Marnecheck, seconded by Mr. Vos to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**. Moved by Mr. Marnecheck, seconded by Mr. Vos to **adopt Ordinance 20-108**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**.

ORDINANCE 20-109

Introduced by: Vos, Dietrich, Weimer. **AN ORDINANCE ACCEPTING THE BID OF COLD HARBOR BUILDING CO. FOR THE NORTH ROYALTON WASTEWATER TREATMENT PLANT "A" BLOWER BUILDING, CONTROL BUILDING AND MISCELLANEOUS IMPROVEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$6,044,940.00 AS THE LOWEST AND BEST BID, CONTINGENT UPON LOAN APPROVAL FROM THE OHIO WATER DEVELOPMENT AUTHORITY, REPEALING ORDINANCE 20-95 AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Marnecheck, seconded by Mr. Vos to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**. Moved by Mr. Marnecheck, seconded by Ms. Barath to **adopt Ordinance 20-109**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**.

ORDINANCE 20-110

Introduced by: Weimer. **AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO HAVE PLANS, SPECIFICATIONS, ESTIMATES OF COST AND PROFILES PREPARED FOR THE EXTENSION OF A PUBLIC SANITARY SEWER ON DRAKE ROAD FROM ADDRESS 12840 DRAKE ROAD TO ADDRESS 12766 DRAKE ROAD (PPN'S 484-08-030, 484-08-016, 484-08-017 & 484-08-031) IN THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Marnecheck, seconded by Mr. Weimer to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**. Moved by Mr. Marnecheck, seconded by Mr. Weimer to **adopt Ordinance 20-110**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**.

ORDINANCE 20-111

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 20-41 AS AMENDED BY ORDINANCE 20-71 AND 20-80 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Marnecheck, seconded by Mr. Vos to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**. Moved by Mr. Marnecheck, seconded by Mr. Weimer to **adopt Ordinance 20-111**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None**. **Motion carried**.

ORDINANCE 20-112

Introduced by: Mayor Antoskiewicz, Marnecheck. **AN ORDINANCE AUTHORIZING THE PURCHASE OF ALL RIGHT, TITLE, AND INTEREST IN FEE SIMPLE ABSOLUTE IN AND TO BUILDINGS AND REAL PROPERTY LOCATED AT 12704 RIDGE ROAD, PPN 482-30-002, IN THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$175,000.00, AND DECLARING AN EMERGENCY.** Title read.

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

Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.** Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **adopt Ordinance 20-112.**

Mr. Marnecheck stated if you do not know where this one is, it is pretty much straight ahead. This intersection has plagued our town for I don't know how long, and no one has been able to give me a coherent explanation why two 3-way intersections were allowed instead of one 4-way. If anyone can find me a reason, I would deeply appreciate it. I think this is a great 1st step to totally straighten out that intersection. I applaud the Law Director, the Mayor, Economic Development Director, the Finance Director, the Director of Legislative Services and the whole Law Department. This had to move quickly because we found ourselves a home that was being sold. I like the price, I believe this comes out of Future Capital, but this a nice 1st step that I think shows the City's commitment to straightening out one of the top 2, if not worst intersections in North Royalton. I wish Mr. Nickell was still here, because he brought this up years ago. So hopefully Council will pass this quickly and we can keep this moving forward.

Ms. Fenos stated can I get some credit for noticing it was for sale. Mr. Marnecheck stated once this goes through, we will name a stump, Fenos Freeway.

Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

MISCELLANEOUS:**Beverly Phiel 5820 Goodman Drive**

Ms. Phiel stated that her property is adjacent to the Royalton Nursery on Ridge Road. When first married we lived at 13939 Ridge Road which was 4 properties down from this big piece of property. Tom, the Mayor, Mr. Dietrich and Mr. Marnecheck know about this. The nursery brought in a landscaping business and put it right behind my house. There is a lot of land there but they put it right behind my house. We were concerned when they did this in 2002 when there was Planning Commission and my husband and I stood up and asked them about the landscape business they owned in Medina. They said they weren't going to bring it and they did anyhow after about 5-6 years and put their foot in the door and they brought the landscape business and put it right behind our property. I need some relief. There is dust, noise, I'm retired now and like to sit on my back porch. I like to talk to my mother and my children and I have to go inside when they start tumbling down the rocks and gravel for their business. I need some help. I'm asking for help.

Mr. Dietrich stated don't give up on me yet, I'll keep talking to them and will try and get them to move that pile. I witnessed it, we have videos of it and anyone that is human, I'm going to show the owner the video, they have to have some compassion for that. I sat on that back porch with you, I totally understand. I do feel that there is a solution and it may not be perfect, but I still think something can be done and they are not unreasonable. I've talked to them many times.

Ms. Phiel stated I don't mind the nursery but it's the landscaping material, the noise and the dust. They state they are not going to do it. Before they were bringing in their semi-trucks at 7:00 a.m. and now it's 8:00 a.m. They have watered down some of the materials, but they forget. Then I have clouds of dust. I'm a resident too. I think there should be something that can be done, it wasn't always that way.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Weimer to **adjourn the September 1, 2020 City Council meeting**. Roll Call: Yeas: **Six** (Marnecheck, Fenos, Barath, Dietrich, Weimer, Wos). Nays: **None**. **Motion carried.**

Meeting adjourned at 9:34 p.m.

APPROVED: /s/ Paul F. Marnecheck DATE APPROVED: September 15, 2020
PRESIDENT OF COUNCIL

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES