

The Council of the City of North Royalton caucused in the North Royalton City Hall Council Chambers, 14600 State Road on **May 18, 2021 at 7:53 p.m.**

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

Agenda reviewed.

Mr. Kelly stated Ordinance No. 21-91 is an easement to allow First Energy the opportunity to provide additional power and service to the Wastewater Treatment Plant. Cold Harbor, whom are doing the work there, have been instrumental in securing the services of First Energy to get out there, but before they do that, they need this easement in place.

Mr. Kelly stated the amendment is to clean up the language from the 1st draft that contained small errors. We just received the information yesterday. The amendments are to place the easement in the correct location; it is at the terminus of Royalton Road, not Progress Parkway and the service is essentially to the City of North Royalton. It benefits the residents because the Wastewater Treatment Plant benefits the residents.

Mr. Marnecheck suggested to Council if they would like to wait on voting on the minutes on this evening's agenda. Council agreed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 14600 State Road on **May 18, 2021 in regular session.** The meeting was called to order at **7:56 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, Joanne Krejci, Jeremy Dietrich, Vincent Weimer, Michael Vos, Legislative Services Director Dana Schroeder; **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly

CONSENT AGENDA

- a. Approval of Minutes: May 4, 2021 and May 10, 2021 (SPECIAL)
- b. Legislation:

RESOLUTION 21-86

Introduced by: Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos, Mayor Antoskiewicz.
A RESOLUTION COMMENDING CHRISTOPHER LINNE ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT. Title read.

RESOLUTION 21-87

Introduced by: Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos, Mayor Antoskiewicz.
A RESOLUTION COMMENDING NICHOLAS TROTTNOW ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT. Title read.

Moved by Mr. Marnecheck, seconded by Mr. Weimer **to remove the minutes of May 4, 2021 and May 10, 2021 (SPECIAL).** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

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

Moved by Mr. Marnecheck, seconded by Ms. Krejci to **suspend the rules requiring three readings and referral to committee for those legislative items on the Consent Agenda.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None. Motion carried.** Moved by Mr. Marnecheck, seconded by Ms. Barath **to adopt the Consent Agenda as amended.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None. Motion carried.**

COMMUNICATIONS: None

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: Mr. Kelly stated the Court of Claims has approved the City's motion for leave to file a response to Mr. Langshaw's most recent pleadings, and we should have an additional response to that lawsuit by Friday. Mr. Marnecheck stated that is our response to his response. Mr. Kelly stated that is correct. Mr. Kelly stated the Court of Claims has a "fast track" obligation with regard to handling their cases and in this instance and according to their rules, you are not permitted to make any pleadings beyond the first 2 without permission. As they gave Mr. Langshaw permission to file a response to our response, they have now given us permission to respond to his response. We have the permission from the Court of Claims to file, we are working on it and should have it filed by Friday. Mr. Kelly believes after that, there will be no further pleadings. At that point we will be looking for a decision on the case. It is speculative when that decision will come in.

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.***

PUBLIC DISCUSSION:

**John Nickell, 10092 Hawley Drive
Ordinance No. 21-81**

Mr. Nickell stated he is here tonight to speak on Ordinance 21-81.

When he ran for Mayor, he took it very seriously and the current Mayor did. We had good intentions. No. 1: everyone can run; get their signatures, money, and file. It seemed as if back in 2019 residents were questioning how many people were running for Mayor; 5 people are running, isn't there a Primary? As a Council person, he never saw person A never at a meeting; he is unsure if she came during the campaign period. Another person wanted to run because they wanted to make a point and change the Charter, so she ran for Mayor and that was not the process. She should have come to the Charter Review Commission or Council, but she was going to run to be the Mayor and say that we need a City Manager rather than a Mayor. Another person ran, and Mr. Nickell was not sure of why.

He believes turning back to a Primary system will weed out people who don't have the genuine ideas about why they are running. It seemed when going door to door, people in North Royalton were very confused about how many people were running for Mayor; are these people really serious; why are they running.

Mr. Nickell stated he was happy to run against Larry (Mayor Antoskiewicz). He did a good job and we ran a nice campaign. In the end, he prevailed. The other people have never come around again. You can have 2 people dedicated to improving the City and the Mayor is doing this; different ideas, even during COVID. Then some of these other people that ran, it was not the right view on the election to lead the City.

**Michael McDonald, 14599 Bennett Road
Ordinance No. 21-81**

Mr. McDonald stated he is here to lobby for all of Council's votes, to not vote for this Ordinance. He believes it is a very bad Ordinance. There was no consensus at the Committee meeting; between the discussions he had heard, us residents have an opportunity to permit in those committee meetings if we so chose to. We also have an opportunity to stand here in front of Council on any legislation that we don't like; not trying to bully anyone. The reasons are quite simple; first off, this last general election demonstrated that there is no need to have a Primary election. 2 candidates emerged with a substantial majority of all of the votes. Secondly, what citizens really want to go and vote in an odd year Primary where there are only 2 things to vote for on the ballot. You are not going to get a great turnout and even vote in the Primary election in the even year for Presidential here. So why have a special Primary election? Most importantly it is a waste of our tax payer dollars; do you really want to waste our tax payer dollars by having a special election every four years? An election that is going to cost a minimum of \$30k or maybe up to \$100k. Multiply those times how long the average citizen has lived in the City; 20 years? Multiply those times 5 and you are looking at some substantial dollars that could be used to benefit the City in a much better way. This appears to be a potential scheme that those candidates that run and don't finish in the top 2 theoretically run for a Ward Council seat, and I don't think anyone should be allowed or permitted to run twice for basically the same election.

LEGISLATION**THIRD READING CONSIDERATION:****ORDINANCE 21-78**

Introduced by: Dietrich, Weimer, Marnecheck. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION CODE, CHAPTER 212 PUBLIC MEETINGS, SECTION 212.03 OPEN MEETINGS REQUIRED; MINUTES, AND DECLARING AN EMERGENCY.** Title read.

No action

ORDINANCE 21-80

Introduced by: Dietrich, Weimer, Marnecheck. **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON A CERTAIN AMENDMENT TO ARTICLE XVIII MISCELLANEOUS, SUBSECTION (f) OF THE CHARTER OF THE CITY OF NORTH ROYALTON, PERTAINING TO CHARTER REVIEW COMMISSION, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Mr. Dietrich **to adopt Ordinance 21-80.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Wos). Nays: **None.** **Motion carried.**

ORDINANCE 21-81

Introduced by: Dietrich, Weimer, Marnecheck. **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON CERTAIN AMENDMENTS TO ARTICLE XVII, ELECTIONS, SUBSECTION (b), OF THE CHARTER OF THE CITY OF NORTH ROYALTON AND REPEALING ARTICLE XVII ELECTIONS, SUBSECTION (e) OF THE CHARTER OF THE CITY OF NORTH ROYALTON AND REPLACING SAME WITH A NEW SUBSECTION (e) ENTITLED NOMINATIONS, PRIMARY ELECTION, PERTAINING TO REMOVAL OF RUNOFF ELECTION AND CREATING A PRIMARY ELECTION, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Dietrich, seconded by Mr. Weimer **to adopt Ordinance 21-81.**

Mr. Dietrich stated he would like to respond to both residents; you see 2 completely different points of views and both are valid. The point of the Ordinance is for it to go on the ballot, have the residents vote, all 35,000 so all can be heard. Both of you have your right to vote and potentially cancel each other out; that is your right. Mr. Dietrich stated he believes the voice of the people should be heard and that's why he feels it should be on the ballot.

Furthermore, to respond to the negative, there is no guarantee that there will be a Primary Election. Many cities, including this one, who did have this system in the past, went without Primary Elections even though that was the way it was structured simply because there weren't 3 people. Not every case, there being an open election for the Mayor, you would see a Primary and he feels that is necessary, but not in every case. If there is a Primary, that bill can be split if there are different things going on throughout the County, but if you have a run off election, that bill is 100 percent put on the residents of North Royalton. That is a more difficult situation because now you are after the general election and in the winter months, holidays and bad weather. It is then harder to get people; you talk about turn out and he believes that's even harder. The current Mayor won under these circumstances but he feels it was out of the norm to have 5 people and he get that percentage. Mr. Dietrich stated he campaigned heavily in his ward and all over the City and he too, got the question of why so many people are on the ballot for Mayor; who are these people, what is going on? Let that be determined by a Primary if need be one.

Mayor Antoskiewicz stated the one point that was missed was when more than 2 people run, residents do not understand it that the winner has to get at least 40% of the vote and win by 5%. It is not well understood, and when you get to that point after November. The December election voter turnout for a Primary and he believes it happened with past Mayor Stefanik. Mayor Antoskiewicz believes it was with Ms. Bobulsky and the turnout in December wasn't anywhere near the turnout in November. You have the same thing except in reverse.

Mr. Marnecheck stated you don't. His election was in November, the Primary was in October.

Mr. Dietrich stated still the turnout was less.

Mayor Antoskiewicz stated he knows the December turnout is not going to be what the November turnout is. So, it's just reversed. He agrees with what Mr. Nickell stated; it takes away some of the people that just like to see their name on a ballot, or a sign in someone's yard. He has been in 2

general elections; first was President of Council and there were 3 running and he only won with 43% of the vote and he does think there is a lot to be said that a person that holds any position should get at least 50% of the majority of the vote. The system the way it's set up right now, there is a good possibility when you have more than 2 people running that that's not going to happen and he's not sure if that's a good thing. Ultimately, he thinks on passing this Charter Amendment tonight; let the people decide if they want to change it or not. They will either say "hey the system the way it is, is what they like" or they will say "let's do it differently". He believes it is a fair amendment to let the people decide which was they want to go. He has been in 2 of them and as he's told people before, the fear he always had was not being able to gather enough, because with that December election, he doesn't understand how you get people out. It could be snowing, the weather as it is in November, but it's the main election and they usually come. After that, to even explain to people that they have to vote again becomes very confusing to them.

Mr. Weimer stated as Council members, we are elected by our residents and he feels compelled by that election to give my residents a voice, especially when there's a doubt. To him, he believes there is enough of a doubt that the system may not be the system we want here in North Royalton, that he thinks it is only fair and only right that he allows those residents who elected me, a voice and an opportunity to chose whether or not it is the correct system for them.

Mr. Marnecheck stated the current system ensures plenty of time to evaluate candidates and ensures stronger voter turnout. It was suggested by the residents by over 70% in 2008. It has been tested and worked correctly in Mayoral elections. The new system could cost over \$45k to the City and the City alone, which he feels is not fiscally responsible and he asks anyone in favor of this to justify that expense to the tax payers. It could lead to more politics, could have lower voter turnout. It is an untested way to elect the Mayor and President of Council. Tonight, was the first night that he believes a resident showed up asking us to change this system. We had a Charter Review Commission, it did not come from Charter Review, wasn't a recommendation from the most recent Charter Review. Numerous city meetings since that Mayoral election, tonight's the first night a resident came and asked for a change or expressed support for a change. He urges his colleagues to vote no on this fiscally irresponsible and confusing item.

Mr. Dietrich asked to speak. Mr. Marnecheck stated no and he would like to wait and see if anyone else would like to, since not everyone has not had the chance to.

Mr. Dietrich stated this system has been used in North Royalton and they City has been here for over 200 years. It has gone back and forth and this system has been tested by the voters and times do change. We are several years past since last time this was changed. So, this was the norm before. He understands Mr. Marnecheck's frustration with it, but ultimately, he thinks that what Council wants is to give the voice to the people. He has heard enough of it to give them a voice. The fact that it didn't come out of Charter Review Commission, it is irrelevant, because he chairs Review and Oversight Committee and he follows the guidelines. He stated he checked with the Director of Legislative Services and asked if this is my department. He has every right, if there is doubt by the voters or by the people of North Royalton, if there is something that needs to be brought up or talked about, that is the committee it belongs in and that is the committee that deserves to come out of just as things deserve to come out of Charter Review. Review and Oversight has that right also; that is the point of that committee.

Mr. Marnecheck stated to clarify the Mayoral Primary in the spring has never been done, that is new, correct? Mr. Dietrich stated it's a date. Mr. Marnecheck stated it is not date, but that is new so we are not going back to the old system. This is a new system. Mr. Dietrich stated then let the voters decide if it's a good one. Mr. Marnecheck stated the reason he mentioned if this was a hot button issue election in Charter Review. A resident would have brought it to our attention the way it was done after the 2007 election. So, he wasn't questioning Review and Oversight, he was simply pointing out that this time it didn't come from the residents. He is not aware of any resident that came to any of our meetings in 2020, or expressed to any of us in a public forum in 2020 after the Mayoral election in 2019; had a question about it. The year after, we did not have a resident come, he doesn't believe we had any candidates, any of their supporters and say this needs to be changed.

Mayor Antoskiewicz stated it wasn't brought up in 2019 because the outcome was clear. When you have a clear winner, you do not have an issue. The issue comes up when you don't. There are a lot of cities that have primary's and he believes that they have survived it over the years. Many cities have primary's and do it ahead of the election than the way we do it. Also, as you so indicate I am very responsible and he does watch the tax payers' dollars more than anybody else probably knows. He takes offense to being called irresponsible with the way he spends the tax payer's money. He asked that this be put on the record because he is not. If anybody else did have to have a Primary election afterwards, we would foot the whole bill. We all know primaries in election years are generally shared costs, so the costs are not as great as they would be any December that you do it. And to assume that you're never going to have this happen because it hasn't happened yet, it's not the way to go.

Roll Call: Yeas: **Five** (Barath, Krejci, Dietrich, Weimer, Vos). Nays: **Two** (Marnecheck, Fenos)
Motion carried.

FIRST READING CONSIDERATION:

ORDINANCE 21-88

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 20-134 AS AMENDED BY ORDINANCE 21-73 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 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: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.** Moved by Mr. Marnecheck, seconded by Ms. Krejci to **adopt Ordinance 21-88.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.**

ORDINANCE 21-89

Introduced by: Vos, Krejci, Dietrich. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) PIERCE VELOCITY PUMPER TRUCK FOR AN AMOUNT NOT TO EXCEED \$715,772.00 FOR THE NORTH ROYALTON FIRE DEPARTMENT FROM THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM, VENDOR ATLANTIC EMERGENCY SOLUTIONS, INC., 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 **Fire Capital Fund #434.**

Moved by Ms. Barath, seconded by Ms. Krejci to **amend Ordinance 21-89 by amending the title by replacing \$715,772.00 with \$689,685.00. Also, in Section 1 amending by replacing \$715,772.00 with \$689,685.00** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). **Motion carried.** Moved by Mr. Marnecheck, seconded by Ms. Fenos to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). **Motion carried.** Mr. Marnecheck, seconded by Ms. Fenos to **adopt Ordinance 21-89.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.**

ORDINANCE 21-90

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE AMENDING ORDINANCE 21-34, ESTABLISHING RATES OF COMPENSATION FOR THE CITY OF NORTH ROYALTON NON-UNION EMPLOYEES DURING CALENDAR YEAR 2021, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Ms. Barath to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). **Motion carried.** Mr. Marnecheck, seconded by Ms. Krejci to **adopt Ordinance 21-90.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.**

ORDINANCE 21-91

Introduced by: Mayor Antoskiewicz. **AN ORDINANCE GRANTING THE MAYOR AUTHORITY TO EXECUTE AN EASEMENT FOR ELECTRICAL SERVICE TO FIRST ENERGY CORPORATION UPON LAND OWNED BY THE CITY OF NORTH ROYALTON COMPRISING A TOTAL OF 0.0698 ACRES UPON PPN 483-19-001 AT THE TERMINUS OF PROGRESS PARKWAY, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Marnecheck, seconded by Ms. Barath to **amend Ordinance 21-91 by amending the title by replacing Progress Parkway with Royalton Road. Also, 1st Whereas Clause deleting "it's customers including" and replacing Progress Parkway with Royalton Road., Section 1 replacing Progress Parkway with Royalton Road.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). **Motion carried.** Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). **Motion carried.** Mr. Marnecheck, seconded by Mr. Dietrich to **adopt Ordinance 21-91.** Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Vos). Nays: **None.** **Motion carried.**

MISCELLANEOUS: None

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Wos to **adjourn the May 18, 2021 City Council meeting**. Roll Call: Yeas: **Seven** (Marnecheck, Fenos, Barath, Krejci, Dietrich, Weimer, Wos). Nays: **None. Motion carried.**

Meeting adjourned at 8:29 p.m.

APPROVED: /s/ Paul F. Marnecheck DATE APPROVED: June 15, 2021
PRESIDENT OF COUNCIL

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