

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **July 20, 2006, in special session**. The special meeting was called to order at 5:30 p.m. by President of Council Robert A. Stefanik and opened with the Pledge of Allegiance.

**PRESENT: Council:** President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Kurt McKee, Larry Antoskiewicz, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller.

**Administration:** Assistant Prosecutor Donna Vozar.

The Director of Legislative Services read the Special Meeting Notice. Notice of this meeting was posted and presented to Council as required.

**PUBLIC DISCUSSION** - None

**LEGISLATION:**

**SECOND READING CONSIDERATION**

#### **ORDINANCE 06-113**

**AN ORDINANCE ESTABLISHING AN INTERIM DEVELOPMENT CONTROL DISTRICT (IDC) NO. 3, AS AN OVERLAY DISTRICT FOR A PERIOD OF FOUR (4) MONTHS PURSUANT TO CHAPTER 1268 OF THE CODIFIED ORDINANCES OF THE CITY AND APPLYING TO PROPERTIES IN THE DESIGNATED CHIPPEWA CREEK WATERSHED AS IDENTIFIED ON THE MAP ATTACHED HERETO AS EXHIBIT A, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Gentile to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

Mrs. Vozar said that we added language to this legislation at the last meeting so that we would exclude any properties which may have already had application or such pending before the city in order to ensure that we were not enacting a law that would interfere with their legal rights. In reviewing this language, it is her recommendation that we delete this added language. It is not necessary. The city cannot enact a law that looks back to a property owner and changes their rights once they have vested and once they have an interest. Adding this language was redundant and she recommends that we delete it. She felt that it was a bad precedent to set by adding this language.

Mr. Gentile said then if someone has already applied for a rezoning, they can not only proceed with rezoning, they will also be able to proceed with any planning inside of the moratorium district because they have already made the application for a zoning change.

Mrs. Vozar said the issue regarding any application that is before the city will be looked at to determine if they have a vested right or not. The question will actually turn on whether they have a vested right. She feels that they do, but this is something that we will have to look at later.

Mrs. Haller also wished to amend the map marked at Exhibit A to further clarify the IDC area. The hash lines will be reduced to simply reflect the IDC area rather than the city boundaries to better delineate the boarder for the actual watershed area. The bold faced black line will remain to identify the city boundaries.

Mrs. Haller read the following proposed amendments:

- Page 2, Section 3 delete the entire last sentence: ~~However IDC district No. 3 specifically excludes any property which as of July 18, 2006, has made application for rezoning and/or any other application/permit request pending before the city.~~
- The map contained in Exhibit A will be amended to indicate the North Royalton city boundaries with a bold line, but the hash marks will be reduced to simply indicate the IDC area, not the entire city boundaries.

Moved by Mr. Willey, seconded by Mr. Gentile **to amend Ordinance 06-113 as read.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile **to adopt Ordinance 06-113 as amended.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### **ADJOURNMENT**

Moved by Mr. Gentile, seconded by Mr. Willey **to adjourn the July 20, 2006, Special City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

**Meeting adjourned at 5:40 p.m.**

APPROVED: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
DIRECTOR OF LEGISLATIVE SERVICES