

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **November 8, 2006, at 7:30 p.m.**

**PRESENT:** 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, Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Fire Chief Michael Fabish, Police Chief Paul Bican, Service Director Skip Mayer, Wastewater Supt. Charles Johnson, Building Commissioner Rito Alvarez, Economic Development Director Michael Kosdrosky, Recreation Director Ed Swim.

Agenda reviewed.

Mayor Luks stated that it may be necessary at the next meeting to suspend the 1 year time limit on legislation for Ordinance 05-187. She said that events are still ongoing with this issue. When asked if this would grandfather the city under the previous regulations, Mayor Luks stated that she was relatively sure it would, but was seeking confirmation on this from our legal advisors for the project.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **November 8, 2006, to conduct a Public Hearing.** The hearing was called to order at 8:00 p.m. by President of Council Robert A. Stefanik.

**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:** Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Service Director Skip Mayer, Fire Chief Michael Fabish, Wastewater Supt. Charles Johnson, Community Development Director Mike Kosdrosky, Recreation Director Ed Swim, Police Chief Paul Bican.

**ABSENT:** Office on Aging Director Debbie Duffy, Finance Director Karen Fegan.

## **PUBLIC HEARING**

### **ORDINANCE 06-111**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 488-08-003 FROM ITS PRESENT RESIDENTIAL (R1A) ZONING CLASSIFICATION TO LOCAL BUSINESS (LB) ZONING CLASSIFICATION AS REQUESTED BY PROPERTY OWNER 138 DTS PROPERTIES, LLC, AND DECLARING AN EMERGENCY.** Title read.

Notice of this Public Hearing was posted, mailed and published as required.

**Marc Cohen** of North Coast Architects, 23811 Chagrin Blvd., Beachwood, Ohio spoke on behalf of Royal Manor, and he introduced Jeff Wilkinson and Victoria Pavel of Royal Manor. Mr. Cohen gave an overview of their proposed facility and the services that would be provided. He stated that the project would include storm water detention that would meet the city's requirements, and a memorial and city garden for use by the residents. He stated that Royal Manor will be the developer, owner and operator of the facility. Mr. Cohen said that this will be a project of which the City of North Royalton will be proud.

**James Hanrahan**, 11575 State Road, addressed Council. He asked where is the water going to go? He asked if the plans are finalized.

City Engineer Clark Merdes responded that any project in the city is required to comply with the city's stormwater management code which does not allow for any more water to leave the site than currently leaves the site in its undeveloped state. They will be constructing a new retention basin for this project.

Community Development Director Mike Kosdrosky stated that he has been working with Royal Manor on this project since June 2005. He fully supports this project because of the benefit it would have to the community. This project will generate \$100,000 annually in income taxes, with 120 full time jobs. This would be a boost to the local business around the center as well. He felt that the rezoning of this property is a natural, plausible and rational rezoning because of the limited amount of land that Royal Manor has indicated they will need for the project towards State Road, and because of what Royal Manor has committed to the Administration in terms of making sure that stormwater concerns are addressed. The public will have the opportunity to scrutinize the project as it goes through the planning process. If for some reason this project would not go forward on account of not being able to rezone this residential property, the city would be stuck with the current fenced in vacant area with overgrown weeds and a dilapidated 50 or 60 year old home. The property could ultimately transfer and become something much less desirable and much less beneficial to the community both financially and as a community service.

**Ellen Cook**, 13395 Ridge Road, read a statement into the record regarding 06-111, a copy of which is attached to these minutes.

In response to Ms. Cook's statement, Law Director Thomas O'Donnell said that he is not aware of where her property is located and cannot comment.

Mayor Luks said that Ms. Cook's property is located just outside the newly zoned mixed use area, and Ms. Cook wants her property which is currently zoned residential to be rezoned to mixed use.

Ms. Cook said that it wasn't specifically that they wanted to be rezoned to mixed use; she wanted to know her options.

Mayor Luks said that one of the options Ms. Cook was looking at was rezoning to mixed used, and the exploration of this rezoning led to requesting a legal opinion from Mr. O'Donnell.

Mr. O'Donnell said that he has discussed this issue, but he does not believe he has written an opinion on this.

Mayor Luks said that the issue Ms. Cook is raising about 10 acres or less being eligible for Councilmatic rezoning and anything more going to a vote of the people has to deal specifically with shopping centers. That is not the situation we are dealing with in this instance.

Ms. Cook said that they were looking at being a part of the mixed use zoning, but also looking at business or commercial. They were looking for the best possible use of their property.

Mayor Luks said that Ms. Cook had asked how Council has the authority to rezone this property because it is more than 10 acres. The code specifically states that any kind of shopping center over 10 acres must be rezoned by a vote of the people. Mayor Luks said in this case we are dealing with something different. This is rezoning for a skilled nursing facility and different rules apply to different zoning classifications. A lot of different factors play into it. So while one set of factors may apply to Ms. Cook's property, they may not necessarily fit this scenario.

Ms. Cook said that the ordinance states that the zoning classification change is from residential to local business, so by saying local business, does that refer to shopping centers.

Mayor Luks said local business and mixed use are two different classifications and this is not a shopping center proposal.

Mr. Kosdrosky said that this is in the Charter and is specific to shopping centers of 10 acres or more.

Mayor Luks offered to review the code with Ms. Cook to clear up any confusion.

Mr. O'Donnell said that he too would be happy to review this with Ms. Cook. One concern he has about her rezoning request is that it is immediately next to the downtown town center which will have a lot of retail and will be more than 10 acres. The code says if you add your property to what is already going to be more than 10 acres it is prohibited. He needs to know more about why she wants this rezoning in order to write an opinion on this.

**Bob Kilmer**, 4711 Wallings Road, addressed Council regarding comments made earlier by Mr. Kosdrosky about the fenced in area and high grass. This is up on Walling Road and has nothing to do with this 13 acres. The 13 acres is a beautiful piece of property. Mr. Kilmer said he has lived here for 35 years and he adjoins this property. There is solid rock under the ground all the way down. Where are they going to drain the water through solid rock? This party has bought the property for \$300,000 and they want it rezoned so it is worth \$3 million. What is he going to do, sit there with a piece of junk because there is a nursing home in his backyard.

Mr. Kosdrosky said that in the time he has been with the city, he can state for a fact that the 13 acres in question was under development pressures. There were two different developers that came to his office wanting to develop this residential property for single family town homes. This 13 acres was going to be developed in one way or another. There are wetlands on the back side of the property. We feel the rezoning is the best chance to protect and preserve the back area of this property so that it does not exacerbate any stormwater problems in the future. To believe that this 13 acres was going to remain pristine and undeveloped is absolutely not true. As he understands from talking with Royal Manor, they don't need the whole piece, but they still need to develop it more towards the front.

Mayor Luks said that the fenced in property with the overgrown grass is going to be combined with the 13 acres to build this facility.

Mr. Kilmer said that now we are going to have a \$300,000 investment turned into a \$2.5 million property. He asked why they don't go somewhere else and build this.

Mr. Kosdrosky said that this is a good problem to have. According to our previous discussions with Royal Manor this is a \$10 million project. They need that little bit of property to be able to get the kind of facility they think the market needs.

Mr. Stefanik encouraged all interested parties to attend the Building & Building codes Committee meeting on Monday, November 20, 2006, where this issue will be discussed further.

Mr. Gentile asked the Law Director if Council can even consider the proposed use of the property. The question before Council is whether or not to rezone the property from residential to local business. Once it is zoned local business, the owner of that property can build anything on the site that conforms with our Local Business code.

Mr. O'Donnell said that this is correct.

Mr. Kosdrosky said that Local Business allows for medical purposes and facilities and there are not many other places in the code that allow for that use. In fairness to Royal Manor, Mr. Kosdrosky said that he does not think that once the zoning gets changed that they will put in a convenience store. In fact, by purchasing that property and using the property as a very low impact skilled nursing facility, it precludes the possibility of any other use of that property. It's not as if Royal Manor is going to sell off the backlands to a muffler shop. The kind of use that is being proposed for this residential property is very appropriate from a planning perspective.

**James Hanrahan**, 11575 State Road asked why this is being postponed and not acted on tonight.

Mr. Stefanik said we are not voting on this tonight because it is still in committee.

Mr. O'Donnell said that the plan being shown by Royal Manor is not being approved tonight. He said there a lot more steps before this gets approved.

Mr. Willey asked Mr. Kosdrosky if Royal Manor has asked for real estate tax abatement for this project.

Mr. Kosdrosky said no.

Mr. Willey asked if the payroll will be approximately \$5 million annually.

Mr. Kosdrosky said yes.

Mr. Willey asked if this is a for-profit organization

Mr. Kosdrosky said yes.

Moved by Mr. Gentile, seconded by Mr. Willey **to refer Ordinance 06-111 to the regular order of business.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### **ORDINANCE 06-114**

**AN ORDINANCE AMENDING ORDINANCE 06-113 WHICH ESTABLISHED 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 OF NORTH ROYALTON BY EXTENDING IDC NO. 3 FOR AN ADDITIONAL EIGHT (8) MONTHS PURSUANT TO SECTION 1268.07(e), AND DECLARING AN EMERGENCY.** Title read.

Notice of this Public Hearing was posted and published as required.

No one in the audience wished to be heard on Ordinance 06-114

Moved by Mr. Gentile, seconded by Mr. Willey **to refer Ordinance 06-114 to the regular order of business.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### **ADJOURNMENT**

Moved by Mr. Willey, seconded by Mr. Gentile **to adjourn the Public Hearing.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

**Public Hearing adjourned at 8:32 p.m.**

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **November 8, 2006, in regular session.** The meeting was called to order at 8:32 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:** Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Service Director Skip Mayer, Fire Chief Michael Fabish, Wastewater Supt. Charles Johnson, Community Development Director Mike Kosdrosky, Recreation Director Ed Swim, Police Chief Paul Bican.

**ABSENT:** Office on Aging Director Debbie Duffy, Finance Director Karen Fegan.

#### **CONSENT AGENDA**

- a. Approval of minutes: October 17, 2006
- b. Authorize the release of the cash bond for Southampton Woods Ph. 8.
- c. Legislation:

#### **ORDINANCE 06-147**

Introduced by: Mayor Luks. **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.

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

Moved by Mr. Gentile, seconded by Mr. Antoskiewicz to **suspend the rules requiring 3 readings and referral to committee for those legislative items on the Consent Agenda.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. McKee to **adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### **MAYOR'S REPORT**

Mayor Luks thanked the voters of the community for their support of the income tax ballot issue. She said that the passage of this issue will impact the future of our city in a very positive way.

**DEPARTMENT HEAD REPORTS:** No reports.

#### **PRESIDENT OF COUNCIL'S REPORT**

Mr. Stefanik also thanked the voters of the community for their support of the income tax ballot issue.

Mr. Stefanik announced that the Ward 6 meeting will be held on Tuesday, November 14, 2006, at 7:00 p.m.

#### **COMMITTEE REPORTS**

All Committees, Boards, and Commissions announced the dates and times of their next regularly scheduled meetings. All meetings are held at City Hall, 13834 Ridge Road, unless otherwise noted. A complete meeting schedule is available from the Council Office. ***Any changes to the regular schedule are noted below.***

**PUBLIC DISCUSSION:** No discussion.

#### **LEGISLATION**

##### **THIRD READING CONSIDERATION**

**No Action:** 05-187, 06-107, 06-111.

##### **ORDINANCE 05-183**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, SECTION 1248.01 SUBDIVISION IMPROVEMENTS REQUIRED BEFORE FINAL APPROVAL, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **adopt Ordinance 05-183.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

##### **ORDINANCE 06-89**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1246 DESIGN STANDARDS, BY ADDING NEW SECTION 1246.14 AND DECLARING AN EMERGENCY.** Title read.

The Director of Legislative Services read the following proposed amendments as recommended by the Architectural Review Board and approved by the Building & Building Codes Committee:

- At every occurrence of the phrase "TCD 4 and TCD 5", replace with "TCD 1 through TCD 5".
- Section 1246.14B: "Five principles", should read "Six principles."
- Section 1246.14C.1.c: "Five principles", should read "Six principles."
- Section 1246.14C.1.d.1, change "different standard" to "Higher standard".
- Delete 1246.14C.1.d.2 in total.
- Section 1246.14C.1.m.1: Change "Pole-mounted graphics" to "Streetpole-mounted environmental graphics".

- Section 1246.14.C.1.p: Add a subsection (2) to read: "Kneewalls are required for parking structures located within TCDs 1 through 5".
- Section 1246.14.C.1.q.2: Add "at chest height" to the end of the sentence after "caliper".
- The blanks in 1246.14C, Procedures 1 (a) and 1 (b) to read: "1246.14 B"

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **amend Ordinance 06-89 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 06-89 as amended**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### ORDINANCE 06-112

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTION 1284.04 MEASUREMENT STANDARDS, SECTION 1284.05 DESIGN STANDARDS, SECTION 1284.06 ILLUMINATION, SECTION 1284.13 PERMITS, AND SECTION 1284.17 PROHIBITED SIGNS, AND REPEALING SECTION 1284.18 BANNERS/PENNANTS IN LOCAL AND GENERAL BUSINESS DISTRICTS; PERMIT; FEE, AND DECLARING AN EMERGENCY.** Title read.

- At every occurrence of the phrase "TCD 4 and TCD 5", replace with "TCD 1 through TCD 5".
- Add "1284.10" in proper numerical sequence to Title and 2<sup>nd</sup> Whereas Clause.
- Under 1284.10.k, add a sup-paragraph (3) to read, "Franchise standard signage located within TCD's 1 through 5 may be required to be modified for aesthetic reasons, at the discretion of the ARB."

Moved by Mr. Gentile, seconded by Mr. Willey to **amend Ordinance 06-112 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 06-112 as amended**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

#### ORDINANCE 06-114

**AN ORDINANCE AMENDING ORDINANCE 06-113 WHICH ESTABLISHED 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 OF NORTH ROYALTON BY EXTENDING IDC NO. 3 FOR AN ADDITIONAL EIGHT (8) MONTHS PURSUANT TO SECTION 1268.07(e), AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Gentile, seconded by Mr. Willey to **adopt Ordinance 06-114**.

Mr. O'Donnell said that our code requires that this type of legislation be referred to the Planning Commission for review and recommendation. The Planning Commission has recommend approval of this legislation. The code further requires the Planning Commission to make its recommendation based on a study. In this case, the record should reflect that the Chippewa Creek Watershed Committee was established between the cities of Brecksville, Broadview Hts. and North Royalton, and we have two representatives on this committee appointed by the Mayor. This committee applied for and received a grant from the ODNR to study and develop an action plan for the Chippewa Creek and the watershed. This study is ongoing and is expected to take about a year. It therefore did not make sense for the city to conduct a separate study when we are involved in a current ongoing study. In addition based recent events with regard to the school board property and attempt by Zillich to purchase some property from the school board, Council passed an Ordinance authorizing an application for a Clean Ohio Grant which also included a minor study. Mr. O'Donnell stated that this issue is being studied by the city in conjunction with its partner cities in the Chippewa Creek watershed and he feels that this is a sufficient basis for this request to extend the IDC for an additional 8 months.

Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

**FIRST READING CONSIDERATION**

*(Ordinance 06-147 was adopted under the approval of the Consent Agenda.)*

**ORDINANCE 06-148**

Introduced by: Mayor Luks. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY PROVIDING HEALTH SERVICES FOR THE YEAR 2007, APPROPRIATING THE SUM OF \$103,133.00, AND DECLARING AN EMERGENCY.** Title read.

**Certificate of Availability of Funds** has been received from the Finance Director stating that funds are available or are in the process of being collected in the General Fund #1. These funds will be deducted by the County Auditor from the regular tax settlements of the City of North Royalton for the tax year 2006, collection year 2007.

Moved by Mr. Gentile, seconded by Mr. Willey 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.** Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 06-148.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

**ORDINANCE 06-149**

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE NO. 06-35 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006, AS AMENDED BY ORDINANCES 06-74, 06-90, 06-94 AND 06-130 BY MAKING ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.** Title read.

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

**ORDINANCE 06-150**

Introduced by: Willey, McKee, Uffman-Kirsch, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, SECTION 1286 NONCONFORMING USES, SECTION 1286.06 EXTENSION PROHIBITED, PARAGRAPH (a), AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Planning Commission.**

**ORDINANCE 06-151**

Introduced by: Willey, McKee, Uffman-Kirsch, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1290 WIRELESS TELECOMMUNICATIONS FACILITIES, SECTIONS 1290.03 AND 1290.04, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Planning Commission.**

**ADJOURNMENT**

Moved by Mr. McKee, seconded by Mr. Willey to **adjourn the November 8, 2006, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

**Meeting adjourned at 8:46 p.m.**

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

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