

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **April 19, 2005, at 7:30 p.m.**

PRESENT: President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Thomas Koch, Lisa Uffman-Kirsch, Robin Zaccardelli; Legislative Services Director Laura Haller, Mayor Cathy Luks, Law Director Thomas O'Donnell, Service Director Skip Mayer, City Engineer Clark Merdes, Wastewater Superintendent Charles Johnson, Finance Director Karen Fegan.

Agenda reviewed.

Council reviewed the correspondence received for reading this evening, and determined that it did not meet the requirements for reading under Council Rules and would be noted on the record as received and on file.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **April 19, 2005, in regular session.** The meeting was called to order at 8:00 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, Thomas Koch, Robin Zaccardelli, Lisa Uffman-Kirsch, Legislative Services Director Laura Haller.

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, Finance Director Karen Fegan, Service Director Skip Mayer, Community Development Director Michael Kosdrosky, City Engineer Clark Merdes, Fire Chief Michael Fabish, Wastewater Superintendent Charles Johnson, Acting Recreation Director Ed Swim, Office on Aging Director Debbie Duffy.

ABSENT: Police Chief Paul Bican.

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes: April 5, 2005
- b. 90-day extension revised sketch plan approval for a 43-lot subdivision. Huntington Park.
- c. 90-day extension final plan approval. Woodcroft Glen.
- d. 90-day extension Ordinance 05-01.
- e. 90-day extension ground sign approval. Dorothy Loder, 8611 Ridge Road.
- f. 90-day extension sketch plan approval to build two four-plex units on one parcel served with a common drive. Daniel & Treva Egizii, Albion Road.
- g. 90-day extension site plan approval – new accessory building, remodel existing garage area. Bob Witsaman Landscaping, Inc., 10911 State Road.
- h. 90-day extension Columbia Gas of Ohio plan to install 780' of 2" new plastic distribution main on Hedgebrook.
- i. 90-day extension Sign Approval. Dog Paws at Play, 5801-C Royalton Road.
- j. 90-day extension Sign Approval. Cottman Transmission, 5801 Royalton Road.
- k. 90-day extension Ordinance 05-15.
- l. 90-day extension Ordinance 05-19.
- m. 90-day extension Conditional Use Permit for Mr. and Mrs. Don Abram for the purpose of having parties and craft classes for younger children at 12424 York Road.
- n. 90-day extension Cleveland Water Department back up power project ground water storage tank.
- o. Authorize the Mayor and City Engineer to advertise for bids for the Akins Road Detention Basin Outlet Sewer Project.

Moved by Mr. Willey, seconded by Mr. Gentile **to adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

COMMUNICATIONS: Letter dated April 5, 2005, received from Al and Nancy Bendzak, 11431 Villa Grande Drive. It was noted for the record that this letter was received and is on file in the Council Office.

MAYOR'S REPORT:

Mayor Luks said she would like to give a brief update on what is happening in terms of addressing flooding. She felt that this is timely given the Channel 19 broadcast at six o'clock. When the flooding occurred last year we put together an action agenda with various items that the city intended to address systematically to try and conquer as best we can pragmatically the flooding problems that are extensive in this city. This action agenda included things like maintenance of storm and sanitary sewer lines. It just so happened that we received a new vac truck to do maintenance of those lines approximately five days before the storms hit last year with the intention of doing a full out maintenance program as best we can with our staffing levels. Since that time, we have aggressively cleaned out 40 miles of sanitary sewer mains. We have also cleaned over 70,000 feet of storm sewers in Bunker Estates, Cedar Estates, Chesapeake, St. Thomas Woods, Villa Grande, Harley Hills, Southampton Woods to name a few. In addition we have located 43 low sanitary manholes where we feel there could be a problem with storm water infiltrating the sanitary system thereby creating a surcharge which causes two things; back up in to the system which means sewage backing up into the homes of residents and an increased potential for our plants to bypass. One of the known problems is infiltration and inflow, and addressing the catch basins is only one part of solving this problem. We ordered new risers for those manholes and those are being addressed systematically as well and will be completed this year. We had a problem at Beckenham with the pump station and the city hired an outside consulting firm to study the issues and come up with the solutions. That has been completed except for some restoration of the ground near the retention area. That project enabled us to divert storm water more effectively to the retention and improve that situation in terms of storm water flooding. It also enabled us to harden the pump station so that storm water could not enter the pump station causing the mechanical failures and the sewage back up. This has been addressed at a cost of a couple hundred thousand dollars.

Mayor Luks said we also rebuilt two other pump stations in the northern part of the city before they became a problem. Coupled with that, one of the items on the action agenda was to form a residents oversight committee. We formed that committee by having meetings with every area that experienced any kind of storm water or sanitary problem and then asked people from each of those meetings to volunteer to be on this committee. The committee was formed and the city hired an engineering consulting firm to work with that committee. These committee members are vested residents who have a direct interest in getting these problems solved. They have been working with this consultant, they have looked at the problems and they are developing solutions to the problems that are the most cost effective but will still address those problems. The committee was given a six month time frame to complete their work and their final report is due in mid-June. Mayor Luks said she received from them today a list of maintenance items that they have discovered as they have been out around the city looking at these problem areas. The bulk of the items on this list of maintenance items are private property issues. The city will need to interact with the property owners for correction of these drainage issues to not impede the flow of water. We will be aggressively doing this now that we have received this from the committee. Additionally as we receive the completed projects from the committee, which will include a general scope of what needs to be done in the various areas such as Pamela, Patricia, Cedarwood, and Chesapeake, we will prioritize those and look to find the funding to move forward. There are limited sources of outside funding for these types of situations. One of those sources is the Federal WRDA program. There are multiple ways to enter into this program. Our City Engineer attended a seminar on the program a few months ago to gather information and we have interacted both with our congressman's staff and our federal senators as to how to best proceed with our projects through this program. While periodically the House sets some deadlines for allocations, there is also a way to apply through the Army Corps of Engineers. There may be some help on the Senate side as well but the projects have to be developed in terms of scope. As we receive those we will be submitting those to that funding source. The topic on the news this evening was surrounding this issue and her disagreement over applying for funds through that program to expand sanitary sewers to the southern part of the city. She said her reason for that is simple, there are limited dollars that we can go after. While there have been some sanitary backups in the southern part of the city, the sanitary sewer back ups overall in the city far outweigh the pump station problems that we had in the southern part of the city. We need to address the inflow and infiltration and the storm water problems getting into the sanitary sewers and upgrade the existing sanitary system.

We need funding assistance through that program to benefit the most amount of people in this city. The numbers in comparison to what is happening in the southern part of the city where we would have to expand sewers for millions and millions of dollars is much, much less than the overall situation we are facing in this city. So when we are looking at limited dollars and limited funding opportunities, we have to prioritize. She said the basic principle here is to do what we are going to be able to do in order to accomplish the greatest amount of good for the largest amount of people, and that is to address the existing problems. That is why she did not agree to go for funding through the WRDA program to expand sewers; she needs to apply for that funding assistance for our existing problems everywhere else. We have been successful in getting FEMA monies for public improvements and we are pending in the FEMA private assistance process to help private property owners and flood prone areas. We are optimistic that we're going to gain assistance through that program. As far as the assistance from the Army Corps of Engineers and the funding that was given by Congressman Brown to study the Baldwin Creek area, which was later expanded to include the Rocky River area, Congressman Brown announced that he funded \$100,000 to that program. The Army Corps has reported that their work on that project has ceased because they ran out of funding. However they only expended approximately \$35,000 of the \$100,000 they were supposedly funded. She has still not received an explanation from either the Army Corps or Congressman Brown as to where the remaining \$65,000 is.

Mayor Luks said she and every department in this city have worked diligently to try to prioritize and address these issues as best we can. There are so many issues facing this city. We are a city of 32,500 people with a lot going on. In the past there has been a lack of planning, the city grew faster than the infrastructure, we are a 1% income tax community with limited tax dollars and a large ratio of residential as opposed to commercial. We are taking steps to correct this, but none of that will happen overnight. All we can do is continue to do the best we can with what we have and deal with things on a priority basis with the staffing levels that we have.

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. All meetings are held at City Hall, 13834 Ridge Road, unless otherwise noted. A complete meeting schedule is available from the Council Office.

PUBLIC DISCUSSION: None

LEGISLATION

THIRD READING CONSIDERATION: No action: 04-194, 05-1, 05-15, 05-16, 05-19, 05-29.

RESOLUTION 05-31

A RESOLUTION SUPPORTING THE CUYAHOGA COUNTY BOARD OF HEALTH'S HOUSEHOLD SEWAGE DISPOSAL PROGRAM TO IMPROVE WATER QUALITY DISCHARGE FROM HOUSEHOLD SEWAGE DISPOSAL SYSTEMS IN NORTH ROYALTON.
Title read.

The Director of Legislative Services read the following proposed amendments as recommended by the Storm Water Committee:

Eliminate the 4th Whereas Clause in its entirety as follows;

~~WHEREAS: The City of North Royalton has determined that the cost to provide sanitary sewer service to all of the residences of North Royalton would be cost prohibitive.~~

Amend Section 1 by deleting language as follows:

Section 1. The City of North Royalton hereby supports the Cuyahoga County Board of Health's Household Sewage Disposal Program to promote properly functioning household sewage disposal systems in North Royalton through proper installation, operation, maintenance and replacement, if necessary, of these systems provided the Program is effective and reasonable, ~~not unduly burdensome to the City's residents, and is in accordance with the City of North Royalton's 208 Water Quality Plan.~~

Moved by Mr. Gentile, seconded by Miss Zaccardelli to **amend Ordinance 05-31 as read**. Roll Call: Yeas: **Four** (Stefanik, Gentile, Willey, Zaccardelli). Nays: **Three**: (Bobulsky, Koch, Uffman-Kirsch). **Motion carried**. Moved by Mr. Gentile, seconded by Mr. Willey to **adopt Ordinance 05-31 as amended**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

FIRST READING CONSIDERATION

ORDINANCE 05-42

Introduced by: Zaccardelli, Bobulsky, Willey, Uffman-Kirsch. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWO ADMINISTRATION CODE, CHAPTER 220 COUNCIL, SECTION 220.07 SETTLEMENT OF LITIGATION MATTERS AND APPEALS, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **adopt Ordinance 05-42**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-43

Introduced by: Uffman-Kirsch, Gentile, Koch, Mayor Luks. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TEN STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1045 USE OF SEWERS SERVED BY NORTH ROYALTON WASTEWATER TREATMENT WORKS, CHARGES, SECTION 1045.01 DEFINITIONS AND 1045.04 BUILDING SEWERS AND CONNECTIONS, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **adopt Ordinance 05-43**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-44

Introduced by: Uffman-Kirsch, Gentile, Koch. **AN ORDINANCE ACCEPTING THE BID OF WIRING UNLIMITED, INC. FOR THE CITY OF NORTH ROYALTON DIVISION OF WASTEWATER FACILITIES A AND B SYSTEM CONTROL AND DATA ACQUISITION (SCADA) SYSTEM, FOR AN AMOUNT NOT TO EXCEED \$83,360.00 AS THE LOWEST AND BEST BID, 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 Wastewater Treatment Fund #51 and the Wastewater Repair and Replacement Fund #55.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt Ordinance 05-44**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-45

Introduced by: Uffman-Kirsch, Bobulsky. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) 2005 FORD F250 4-WHEEL DRIVE PICKUP TRUCK WITH EXTENDED CAB FOR THE WASTEWATER DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$19,810.00, 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 Wastewater Maintenance Fund #51.

Moved by Mr. Gentile, seconded by Mr. Koch to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Koch, seconded by Mr. Gentile to **adopt Ordinance 05-45**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

MISCELLANEOUS

The following residents addressed Council in opposition to the charges of malfeasance against President of Council Stefanik and Council Representative Vince Gentile:

Jim Orr, 4851 Maple Lane.

Kurt McKee, 13760 Prince Charles Drive

Margaret Double, 8161 State Road

Anthony Santangelo, 9024 Ridge road. A copy of Mr. Santangelo's statement is attached.

Diane Veverka, 13043 Kingston Way

James Mohny, 9055 Albion Road

Don Langshaw, 4848 Dublin Drive

Tim Finn, 4741 Bunker Road

Dan Kasaris, 11984 Beckenham Road

Mike Farrell, 13911 Aspen Oval

Charles Hlozak, 12595 Sprague Road, addressed Council regarding flooding of his property.

Nancy Bendzak, 11431 Villa Grande, addressed Council regarding "last week continued".

Al Bendzak, 11431 Villa Grande, addressed Council regarding "need help to protect our constitution".

Mr. Koch addressed the comments made earlier about his looking for funds for sidewalks in 2000. He said the difference is that he was looking for surplus funds. There was so much money at the federal, state and county levels and he was just trying to do his job in obtaining surplus money. What is happening today is something a little different.

Mayor Luks wished to address the handout being distributed this evening containing a letter from Congressman Brown dated February 23, 2005. Mayor Luks said she also received the same letter addressed to her from Congressman Brown. At the bottom paragraph of the first page of the letter it states: statutory authorization in WRDA is not the first step in the process of developing a civil works project for the US Army Corps of Engineers partnership. If you have recently begun that process or if the idea of working with the Army Corps is a new one, requesting a WRDA authorization at this time is not the best way to proceed. Instead, you should begin talking with the USACE and my office about your project. You can reach the USACE's Ohio area Office and the phone number is given, or the Civil Works Staff of its Buffalo District Office and the phone number is given. You should also inform Mike West in my Akron Office and the phone number is given. In the second to the last paragraph on the next page it says if you have other questions about working with the Army Corps of Engineers please call Mike West or Ed Walz.

Mayor Luks said she was instructed by the Congressman to call, not to write. She called Mike West, Ed Walz, and the Army Corps of Engineers to talk to them about securing funding for our flooding projects that will be coming out of the residents oversight committee that will address the flooding in this city. It's not a debate about whether sewers are better than septic systems. The issue is there is limited funding available and we have to ask for the funding to address the priorities and right now in this city addressing the flooding is her top priority. That is why she contacted those people in the letter, told them we have these projects coming up, and asked if we will have an opportunity to bring them forward. She was told yes, there are several avenues to pursue not just through the House but through the Senate and the Army Corps of Engineers to participate in this program. Mayor Luks said she did not miss a one time deadline. This program continues on and each year there is more funding allocated. Mayor Luks said she did not miss the opportunity necessarily for this year because she has already started the process of informing them that these projects are coming and that she would be able to work through the Army Corps of Engineers. So to say that she didn't respond is false. She responded according to the way she was instructed to respond. Mayor Luks said personally responding as opposed to sending off a letter is usually a better way to operate in intergovernmental agency activities. Mayor Luks said she is doing her job and is trying to get the funding for the first priority to help the greatest amount of people in this city who are negatively impacted and have been for years on flooding.

Regarding the comment made earlier that the actions of Mr. Stefanik and Mr. Gentile are the same as what Mr. Koch did. Mayor Luks said that she considers what Mr. Koch did as lobbying. It was not a specific request for a specific funding amount for a specific project and she sees a great difference between that and what these gentlemen did. She thinks that this discussion needs to continue but not this evening because of the pending charges. She said that the information will show that there is a huge difference. She encourages Council members, residents anyone possible to learn about any kind of funding sources out there and forward that on to her. That is not the situation that is going on here with this issue this evening. In terms of serving the needs of the public, there are many needs and we must prioritize them. The biggest thing we need to address right now is flooding and roads. It's that simple.

Mayor Luks said that somebody earlier said that this is partisan politics. She does not see how they are getting that out of this. Of the Council members who voted to charge these two individuals, two of them are registered Democrats, as are Council President Stefanik and Councilman Gentile, and one is a Republican. There are serious issues involved in this. It's not about popularity, it's about the city's ability to function in accordance with the branches of government as they are established, so that when the city is trying to move forward to secure funding assistance for their top priority, that isn't undermined by someone unilaterally who doesn't have the authority to do so.

Mr. Stefanik told the Mayor that she was over her 5 minutes and to reserve the rest of her comments.

Mayor Luks said she thought that the time limit was only on discussion of legislation.

Mr. Stefanik asked the Law Director to advise, but in the mean time he said we would continue with discussion from other parties.

Mrs. Uffman-Kirsch thanked Mrs. Double for her recognition that the problems we have are all of North Royalton's problems. She wanted her to know that if this sewer extension goes through the way these gentlemen are planning the increased sewer rates, the decreased services, and the increased taxes will also be everyone's problems. If anyone would like to meet with her to debate her research of over a decade on this and other communities and documentation, she would be more than happy to meet with them and to listen to how they can prove her wrong.

Mrs. Uffman-Kirsch said that Mr. Santangelo stated that the city has larger issues. As she has mentioned at prior meetings, in her opinion based on running the numbers and based on looking at what has happened in other communities, from a negative financial standpoint, she does not believe that this city has much larger issues. Right now we have a very serious flooding issue we are trying to address which is a higher priority than sewerage, but from the short and long term negative financial impact this will bring, it is her opinion that there is not much bigger. She said that Mr. Santangelo also said that we are trying to turn a mountain into a mole hill. She said that if this plan goes forward our projected \$1.7 million deficit, which is going to occur mid-2007, is actually going to go the other way. If you want to call a \$1.7 million a mole hill, this is going to turn into a mountain.

Mrs. Uffman-Kirsch said that Mr. Mohney mentioned that the Board of Health was going to be eliminating all septic systems, she said that this is not true. There will be no elimination of septic systems.

Mr. Mohney responded from the audience and the President of Council requested that all discussion be addressed through the chair.

Mrs. Uffman-Kirsch said that Mr. Farrell had said earlier that this is a political witch hunt. She said it is not. She said that he obviously does not know her personally very well because she is not into politics, that is not what her interest has been in this city.

Mrs. Bobulsky said that her comments would be brief due to the pending investigation. She said her priorities are, and will remain, to resolve the long standing flooding issues for all of our residents and Ward 1 residents in particular.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Gentile **to adjourn the April 19, 2005, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

Meeting adjourned at 9:32 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES