

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **May 4, 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, Police Chief Paul Bican, Office on Aging Director Debby Duffy.

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **May 4, 2005, 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, Thomas Koch, Robin Zaccardelli, Lisa Uffman-Kirsch, Legislative Services Director Laura Haller.

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

**ABSENT:** Finance Director Karen Fegan, Fire Chief Michael Fabish.

#### **ORDINANCE 05-16**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTION 1284.06 ILLUMINATION, PARAGRAPH (b), AND SECTION 1284.07 SIGNS IN RESIDENTIAL DISTRICTS, PARAGRAPH (h), AND DECLARING AN EMERGENCY.** Title read.

Notice of Public Hearing posted and published as required.

No one in the audience wished to be heard on this subject.

Moved by Mr. Gentile, seconded by Mr. Willey to **refer Ordinance 05-16 to the Regular Order of Business.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

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

Public Hearing adjourned at 8:01 p.m.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **May 4, 2005, in regular session**. The meeting was called to order at 8:01 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, Service Director Skip Mayer, Community Development Director Michael Kosdroosky, City Engineer Clark Merdes, Police Chief Paul Bican, Wastewater Superintendent Charles Johnson, Acting Recreation Director Ed Swim, Office on Aging Director Debbie Duffy.

**ABSENT:** Finance Director Karen Fegan, Fire Chief Michael Fabish.

#### **APPROVAL OF CONSENT AGENDA**

- a. Approval of minutes: April 19, 2005
- b. Authorize the Mayor and Wastewater Superintendent to advertise for bids for sawdust and ferrous chloride for the Wastewater Department.
- c. Legislation:

#### **ORDINANCE 05-46**

Introduced by: Koch, Gentile, Willey. **AN ORDINANCE ACCEPTING A PERFORMANCE BOND FROM THE RLI INSURANCE COMPANY IN THE AMOUNT OF \$66,425.00 AS A GUARANTEE FOR THE FUTURE INSTALLATION OF SIDEWALKS IN THE PINE HILL SUBDIVISION, PHASE 1, AND DECLARING AN EMERGENCY.** Title read.

#### **ORDINANCE 05-47**

Introduced by: Uffman-Kirsch, Gentile, Koch. **AN ORDINANCE ACCEPTING AN EASEMENT FROM PINE HILL DEVELOPMENT CO., LTD. FOR THE INSTALLATION AND MAINTENANCE OF A SANITARY SEWER FOR PINE HILL SUBDIVISION AND DECLARING AN EMERGENCY.** Title read.

No one on Council wished to have an item removed from the consent agenda for discussion.

No one in the audience wished to have a legislative item removed from the consent agenda for discussion.

Moved by Mr. Willey, seconded by Mr. Gentile 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, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.** 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:** None.

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

Mayor Luks presented a proclamation to Bill Spencer of the Berea Power Squadron in honor of Safe Boating Week.

**DEPARTMENT HEAD REPORTS:** No reports.

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

Mr. Stefanik announced that the Ward 5 meeting will be held on May 9, 2005 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.***

**PUBLIC DISCUSSION:** None.

## LEGISLATION

**THIRD READING CONSIDERATION:** No action: 05-15, 05-19, 05-29.

### ORDINANCE 04-194

**AN ORDINANCE ACCEPTING AN EASEMENT FROM THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT FOR STREET ACCESS AND STORM SEWER IMPROVEMENTS IN THE TRAILS SUBDIVISION AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt Ordinance 04-194.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

### ORDINANCE 05-1

**AN ORDINANCE ACCEPTING THE DEDICATION OF APPROXIMATELY 3,333.06 FEET OF BROOKHAVEN DRIVE, 341.55 FEET OF WOODMONT LANE AND 171.66 FEET OF ASHFORD LANE IN THE PINE HILL SUBDIVISION PHASE 1 FROM SAKS & GOLDBERG COMPANIES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Gentile, seconded by Mr. Koch to **adopt Ordinance 05-1.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

### ORDINANCE 05-16

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTION 1284.06 ILLUMINATION, PARAGRAPH (b), AND SECTION 1284.07 SIGNS IN RESIDENTIAL DISTRICTS, PARAGRAPH (h), AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 05-16.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

## FIRST READING CONSIDERATION

### ORDINANCE 05-48

Introduced by: Mayor Luks. **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH ROYALTON, OHIO TO ENTER INTO A CONTRACT WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), OHIO COUNCIL 8, LOCAL 3410, CORRECTIONS OFFICERS CHAPTER, 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, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.** Moved by Miss Zaccardelli, seconded by Mr. Gentile to **adopt Ordinance 05-48.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

### ORDINANCE 05-49

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING ORDINANCE 90-217, STAFFING AND CLASSIFICATION PLAN FOR THE VARIOUS DEPARTMENTS OF THE CITY OF NORTH ROYALTON, SECTION 11, WASTEWATER DEPARTMENT, 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 Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 05-49.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

**ORDINANCE 05-50**

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING ORDINANCE 04-217, ESTABLISHING RATES OF COMPENSATION FOR THE CITY OF NORTH ROYALTON NON-UNION EMPLOYEES DURING CALENDAR YEARS 2005 AND 2006, 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. Koch to **adopt Ordinance 05-50.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

**ORDINANCE 05-51**

Introduced by: Bobulsky. **AN ORDINANCE ACCEPTING THE BID OF SERVICE SUPPLY LTD, INC. FOR THE SKATE PARK IMPROVEMENTS AT MEMORIAL PARK, CONTRACT A EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$62,935.00 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 Recreation Capital Improvement Fund #31.

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, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.** Moved by Mr. Gentile, seconded by Mr. Koch to **adopt Ordinance 05-51.**

Mrs. Uffman-Kirsch asked if skate boarding was still a popular activity.

Both Mr. Willey and Mayor Luks responded that it is still very popular and offers a safe and proper location for this activity.

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

**ORDINANCE 05-52**

Introduced by: Bobulsky. **AN ORDINANCE ACCEPTING THE BID OF PREMIER ASPHALT PAVING CO. FOR THE SKATE PARK IMPROVEMENTS AT MEMORIAL PARK, CONTRACT B PAVING FOR AN AMOUNT NOT TO EXCEED \$6,979.00 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 Recreation Capital Improvement Fund #31.

Moved by Mr. Gentile, seconded by Miss Zaccardelli 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 05-52.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

**ORDINANCE 05-53**

Introduced by: Mayor Luks. **AN ORDINANCE GRANTING THE MAYOR AND FINANCE DIRECTOR AUTHORITY TO AGREE TO AND APPROVE CERTAIN CONTRACT CHANGES (CHANGE ORDERS #1 - #7) RELATING TO THE WORK PERFORMED BY UNITED MECHANICAL AS THE PLUMBING CONTRACTOR FOR THE RENOVATION OF FIRE STATION NO. 1 AND THE CONSTRUCTION OF FIRE STATION NO. 2, 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 Fire Capital Improvement Fund #34.

Moved by Mr. Gentile, seconded by Miss Zaccardelli 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 Mr. Gentile to **adopt Ordinance 05-53**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

#### **ORDINANCE 05-54**

Introduced by: Koch, Gentile, Willey. **AN ORDINANCE AMENDING THE DEDICATION PLAT APPROVED BY ORDINANCE 04-55 WHICH ACCEPTED THE DEDICATION OF 1,082.52 FEET OF SILVER TREE TRAIL, 295.67 FEET OF ETHAN TRAIL AND 270.37 FEET OF RAYA OVAL IN THE TRAILS SUBDIVISION FROM PREPCENTER LAND GROUP LLC, BY REVISING THE FRONT BUILDING SETBACKS OF SUBLOTS 21, 22, 23, AND DECLARING AN EMERGENCY**. Title read.

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, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Gentile, seconded by Mr. Koch to **adopt Ordinance 05-54**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

#### **ORDINANCE 05-55**

Introduced by: Stefanik, Bobulsky, Gentile. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 214 GENERAL FEE SCHEDULE SECTION 214.08 FEES IN THE BUILDING AND HOUSING CODE, PARAGRAPHS (m) AND (n), AND DECLARING AN EMERGENCY**. Title read.

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, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt Ordinance 05-55**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

#### **ORDINANCE 05-56**

Introduced by: Stefanik, Bobulsky, Gentile. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1022 DRAINAGE DITCHES AND CULVERTS, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Gentile, seconded by Miss Zaccardelli 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 Mr. Gentile to **adopt Ordinance 05-56**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

#### **ORDINANCE 05-57**

Introduced by: Gentile, Zaccardelli, Uffman-Kirsch, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTION 1284.07 SIGNS IN RESIDENTIAL DISTRICTS BY CREATING A NEW PARAGRAPH (e) TO ALLOW FOR TEMPORARY HOME IMPROVEMENT PROJECT SIGNS, AND DECLARING AN EMERGENCY**. Title read.

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

#### **ORDINANCE 05-58**

Introduced by: Stefanik, Mayor Luks. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, TITLE SIX ZONING, CHAPTER 1260, SECTION 1260.15 LOCATION OF UTILITIES AND CHAPTER 1288, SECTION 1288.04 (b) GENERAL PROVISIONS, AND DECLARING AN EMERGENCY**. Title read.

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

**MISCELLANEOUS**

**Al Bendzak**, 11431 Villa Grande, addressed Council regarding “what happened to the constitution and the bill of rights?”

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

**Edward Miller**, 18613 Tudor Circle  
**Anthony Santangelo**, 9024 Ridge Road  
**Randal LoBianco**, 3262 Helen Drive  
**Kurt McKee**, 13760 Prince Charles Drive  
**Steve Gove**, 11231 Albion Road  
**Jim Orr**, 4851 Maple Lane

Mayor Luks said that she agrees with Mr. Miller that legislation should be researched and that there should always be a close examination of the facts. As to the question about what they actually have done or how they have committed the city, Mayor Luks said that this is the issue at hand. The charges were not brought because there is a belief that they simply made an inquiry. The charges were brought because there is a belief that what they did was actually request funds. Mayor Luks said that she also put in a request for funds to the very same program for flooding projects because right now flooding projects are the priority in this city. Because of the conditions of infiltration and inflow into our sanitary system, adding more sanitary sewer users now would more than likely create even more sanitary backup. We have to fix what we have before we expand it. We have to solve the flooding issues. Mayor Luks said that she is not waiting for reports from the flooding committee, she was waiting for the expert consultant we hired to have a more completed scope on some of the projects and she was able to do so and submit those through the Senate side. Mayor Luks said that in essence, the city is competing with itself for those funds and that is what is wrong here. As far as the black eye to the city, the longer those problems exist, the more the black eye continues.

In terms of the recycling numbers Mr. Orr cited earlier, Mayor Luks said that the city did a great deal of research and evaluation over recycling and rubbish collection costs and the numbers that were worked through the Finance Department over and over demonstrate that the most cost effective method for the city would be to implement an automated collection system. This system would have saved the city hundreds of thousands of dollars a year, freed up employees to work on other things, and enabled us to implement new programs. However, Council defeated this. Mayor Luks said that she finds the numbers that Mr. Orr quoted on recycling to be inaccurate.

Mayor Luks said that all of the facts will bear out in this as they are supposed to. There is a process in place, to find out exactly what happened. Until such time, we will all have to wait and see. In the mean time the city departments do everything they can within their power, their manpower and their budgets to respond to all of the many issues in this city. We have extremely hard working people who are dedicated, who don't deserve to be told that they are not doing a good job and that they are not responding. Are people unhappy at times with our response? Absolutely. Do we sometimes have to tell people that it is not the city's problem but rather a private property owner problem? Absolutely, because we can't use public tax dollars on private property. Do we make mistakes from time to time? Absolutely, but it's not for a lack of trying. Mayor Luks said that she appreciates everyone's sentiments but she thinks that it is time that the misinformation stops. She knows that there was misinformation being spewed at the voting polls, and that candidates were saying that the Mayor has refused funding and failed to apply for funding. Mayor Luks said that this is just not true. She strongly suggests that if you are going to run for office, run on good ideas, not by trying to spread misinformation by people who are in office.

Mrs. Uffman-Kirsch said that it is very difficult for her not to respond to things she is hearing tonight. Because there is a pending hearing, she is going to have to reserve her comments, but she does feel that she owes an explanation to the residents as to her actions. She thoroughly researches and thinks through every piece of legislation and she thoroughly looked into this as well. She does not take any decision lightly, especially one that involves two people and their careers. There is a lot of misunderstanding out there based on what she is hearing, and a lot of it is based on misinformation and a lack of knowing the facts, which she is sure will come out during the hearing process. Mrs. Uffman-Kirsch asked everyone to get the full facts and analyze them and then come to a decision before you attack us.

**ADJOURNMENT**

Moved by Mr. Willey, seconded by Mr. Gentile **to adjourn the May 4, 2005, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, Koch, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

**Meeting adjourned at 8:58 p.m.**

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

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