

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **December 5, 2005, at 7:30 p.m.**

PRESENT: President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Kurt McKee, Robin Zaccardelli, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Finance Director Karen Fegan, Police Chief Paul Bican, Fire Chief Michael Fabish, Office on Aging Director Debbie Duffy, Community Development Director Michael Kosdrosky, Building Commissioner Rito Alvarez.

Agenda reviewed.

Mr. Gentile requested that proposed Ordinances 05-181, 05-182 and 05-183 be referred to the Utilities Committee for review. Mrs. Uffman-Kirsch stated that these three Ordinances have already been in this committee since August and came out of committee with a recommendation for approval.

Discussion ensued regarding proposed Ordinances 05-185, 05-186 and 05-187. A Work Session to discuss these Ordinances before adoption will be scheduled sometime before the next Council meeting.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **December 5, 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, Kurt McKee, Robin Zaccardelli, Lisa Uffman-Kirsch, Legislative Services Director Laura Haller.

Administration: Law Director Thomas O'Donnell, Finance Director Karen Fegan, Community Dev. Director Michael Kosdrosky, Building Commissioner Rito Alvarez, City Engineer Clark Merdes, Fire Chief Michael Fabish, Police Chief Paul Bican, Office on Aging Director Debbie Duffy, Recreation Director Ed Swim.

ABSENT: Mayor Cathy Luks, Service Director Skip Mayer, Wastewater Superintendent Charles Johnson.

APPROVAL OF CONSENT AGENDA

a. Approval of minutes: November 15, 2005

Moved by Mr. Willey, seconded by Mr. Gentile **to excuse Mr. McKee from voting on the minutes of November 15, 2005.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Excused: McKee). **Motion carried.** Moved by Mr. Willey, seconded by Miss Zaccardelli **to adopt the minutes of November 15, 2005 as received.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Excused: McKee). **Motion carried.**

COMMUNICATIONS: None.

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL'S REPORT:

Moved by Mr. Willey, seconded by Miss Zaccardelli **to open nominations for the position of President of Council Pro-Tem.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

Mr. Stefanik asked for nominations for the position of President of Council Pro-Tem.

Mr. Willey nominated Mr. Gentile.

Mrs. Uffman-Kirsch nominated Mrs. Bobulsky.

No additional nominations were made.

Moved by Mr. Willey, seconded by Miss Zaccardelli to **close nominations for the position of President of Council Pro-Tem**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried.**

Moved by Mr. Willey, seconded by Miss Zaccardelli to **elect Mr. Gentile as President of Council Pro-Tem**. Yeas: **Five** (Stefanik, Gentile, Willey, McKee, Zaccardelli). Nays: **Two** (Bobulsky, Uffman-Kirsch). **Motion carried.**

(Since Mr. Gentile received a majority vote, it was unnecessary to vote on Mrs. Bobulsky's nomination.)

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

Ivan Hack, 11091 Don Mar Drive, read a statement regarding Ordinance 05-172. A copy of this statement is attached to these minutes.

LEGISLATION

THIRD READING CONSIDERATION: No Action: 05-82, 05-83, 05-84, 05-158, 05-159, 05-166.

ORDINANCE 05-122

AN ORDINANCE TO AMEND SECTIONS 880.01, 880.03, 880.04, 880.17, AND 880.27 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, OHIO, IN ORDER TO PROVIDE FOR A ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, TO A RATE OF TWO PERCENT EFFECTIVE JANUARY 1, 2006, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, RECONSTRUCTING, WIDENING, GRADING, DRAINING, PAVING, RESURFACING, MAINTAINING, REPAIRING, AND OTHERWISE IMPROVING STREETS, SIDEWALKS, CURBS AND GUTTERS, AND RELATED INFRASTRUCTURE IMPROVEMENTS, COSTS OF CONSTRUCTING AND INSTALLING STORM WATER IMPROVEMENTS, COSTS OF ACQUIRING RELATED EQUIPMENT, AND RELATED MUNICIPAL OPERATING EXPENSES, AND DECLARING AN EMERGENCY.

Moved by Mr. Willey, seconded by Mr. Gentile to **remove Ordinance 05-122 from the agenda**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried.**

SECOND READING CONSIDERATION

ORDINANCE 05-171

AN ORDINANCE MAKING TEMPORARY APPROPRIATIONS FOR THE FIRST QUARTER OF THE YEAR 2006 FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading**.

ORDINANCE 05-172

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, BY REPLACING THE EXISTING CHAPTER 1492 CONTROLLING RIPARIAN SETBACKS AND WETLAND SETBACKS WITH A NEW CHAPTER 1492 ENTITLED CONTROLLING RIPARIAN SETBACKS AND WETLAND SETBACKS, 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, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

Moved by Mr. Willey, seconded by Mr. Gentile to **amend Ordinance 05-172 by adding Mrs. Uffman-Kirsch as a sponsor**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **adopt Ordinance 05-172 as amended**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

FIRST READING CONSIDERATION

RESOLUTION 05-174

Introduced by: Mayor Luks. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF STEVE W. CANFIL AS A VOLUNTEER MAGISTRATE FOR THE NORTH ROYALTON COMMUNITY DIVERSION PROGRAM, 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, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Resolution 05-174**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-175

Introduced by: Mayor Luks. **AN ORDINANCE ACCEPTING AN ACCESS AND UTILITY EASEMENT FROM THE DIOCESE OF CLEVELAND, PERMANENT PARCEL NOS. 488-01-003 AND 488-01-004, 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, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Gentile, seconded by Miss Zaccardelli to **adopt Ordinance 05-175**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-176

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.

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, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Gentile, seconded by Mr. Willey to **adopt Ordinance 05-176**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-177

Introduced by: Gentile, Willey. **AN ORDINANCE ACCEPTING THE BID OF UNIVERSAL OIL, INC. FOR THE PURCHASE OF FUEL FOR THE 2006 SEASON AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY**. Title read.

Moved by Miss Zaccardelli, seconded by Mr. Willey to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt Ordinance 05-177**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-178

Introduced by: Mayor Luks. **AN ORDINANCE TO AMENDING THE ORIGINAL APPROPRIATION ORDINANCE NO. 05-18 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005 AS AMENDED BY ORDINANCE NOS. 05-93 AND 05-141, BY MAKING ADDITIONAL APPROPRIATIONS AND TRANSFERRING APPROPRIATIONS BETWEEN DEPARTMENTS, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading**.

ORDINANCE 05-179

Introduced by: Mayor Luks. **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, PARAGRAPH (m) ENGINEER FEES, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Building & Building Codes Committee**.

ORDINANCE 05-180

Introduced by: Gentile, Zaccardelli, Uffman-Kirsch. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1440 DEPARTMENT OF BUILDINGS, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mrs. Uffman-Kirsch to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**. Moved by Mrs. Uffman-Kirsch, seconded by Mr. Willey to **adopt Ordinance 05-180**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried**.

ORDINANCE 05-181

Introduced by: Uffman-Kirsch. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TEN STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1040 SEWERS GENERALLY, SECTION 1040.01 CONNECTIONS REQUIRED; SEPTIC TANKS, SECTION 1040.15 CONNECTION SPECIFICATIONS, SECTION 1040.16 MINIMUM GRADIENT, SECTION 1040.17 INSTALLATION SPECIFICATIONS, SECTION 1040.20 CONNECTIONS UNDER PAVED ROADWAYS, AND SECTION 1040.21 TEST TEE AND RISER, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 05-182

Introduced by: Uffman-Kirsch. **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, SECTIONS 1045.01 DEFINITIONS, 1045.02 USE OF PUBLIC SEWERS REQUIRED, 1045.03 PRIVATE AND INDEPENDENT WASTEWATER DISPOSAL, 1045.04 BUILDING SEWERS AND CONNECTIONS, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 05-183

Introduced by: Uffman-Kirsch. **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.

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

ORDINANCE 05-184

Introduced by: Gentile, Willey. **AN ORDINANCE ACCEPTING THE DEDICATION OF 787.78 FEET OF HEDGEBROOK DRIVE IN THE PINESTREAM SUBDIVISION PHASE 6 FROM SAKS & GOLDBERG COMPANIES, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 05-185

Introduced by: Mayor Luks. **AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF A PROJECT DEVELOPMENT AGREEMENT IN CONNECTION WITH THE CITY'S DOWNTOWN CENTER DEVELOPMENT PROJECT, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading.**

ORDINANCE 05-186

Introduced by: Mayor Luks. **AN ORDINANCE ADOPTING THE NORTH ROYALTON TOWN CENTER DISTRICT (TCD) ECONOMIC DEVELOPMENT STUDY AND PLAN AS REQUIRED UNDER OHIO REVISED CODE SECTION 5709.40 (5) (f), AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading.**

ORDINANCE 05-187

Introduced by: Mayor Luks. **AN ORDINANCE CREATING AN INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A COMPENSATION AGREEMENT WITH THE NORTH ROYALTON CITY SCHOOL DISTRICT AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading.**

MISCELLANEOUS

North Royalton Chamber of Commerce President Aldo Filippelli, 13737 State Road, presented the city with a check for \$2,000 to be used towards the gazebo reconstruction.

Mrs. Bobulsky announced that the Ward 1 meeting will be held on, January 10, 2006 at 7:00 p.m.

Mrs. Uffman-Kirsch announced that the Ward 6 meeting will be held on, December 13, 2005 at 7:00 p.m.

Mr. Willey thanked Mr. Filippelli for the donation.

ADJOURNMENT

Moved by Mr. Gentile, seconded by Mr. Willey **to adjourn the December 5, 2005, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

Meeting adjourned at 8:24 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES