

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **March 21, 2006, 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, Mayor Cathy Luks, Police Chief Paul Bican, Fire Chief Michael Fabish, Assistant Prosecutor Donna Vozar, City Engineer Clark Merdes, Office on Aging Director Debbie Duffy, Service Director Skip Mayer, Building Commissioner Rito Alvarez, Community Development Director Mike Kosdrosky.

Agenda reviewed.

Discussion was held regarding the proposed amendments to 06-35. Mrs. Uffman-Kirsch and Mrs. Bobulsky stated that they would like the amendments read separately with a separate vote taken on each one; the remaining members of Council said that they want the amendments read as one amendment.

Mrs. Haller stated that Mr. Gentile has asked to be removed as a sponsor to 06-45.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **March 21, 2006, 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: Mayor Cathy Luks, Assistant Prosecutor Donna Vozar, Finance Director Karen Fegan, City Engineer Clark Merdes, Fire Chief Michael Fabish, Community Dev. Director Michael Kosdrosky, Building Commissioner Rito Alvarez, Office on Aging Director Debbie Duffy, Service Director Skip Mayer, Wastewater Superintendent Charles Johnson.

ABSENT: Law Director Thomas O'Donnell, Police Chief Paul Bican, Recreation Director Ed Swim.

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes: March 7, 2006
- b. 90 day extension sign approval. Century Bank, 6160 Royalton Road.
- c. 90 day extension Columbia Gas of Ohio approval of plans to install new plastic distribution main on Glen Drive South, Berkshire Way and Bentley Drive.
- d. 90 day extension Columbia Gas of Ohio approval of plans to install new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way.
- e. 90 day extension Columbia Gas of Ohio approval of plans to install new plastic distribution main on Bentley Drive and Coventry Court.
- f. 90 day extension sign approval. Sunoco, 13946 State Road.
- g. Legislation:

ORDINANCE 06-42

Introduced by: Willey, McKee, Uffman-Kirsch. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1270 RESIDENTIAL DISTRICTS, SECTION 1270.03 ACCESSORY USES, PARAGRAPH (e) GARDENS AND PETS, ITEM (2), AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-46

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF AAA PIPE CLEANING FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-47

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF ALLIED CORPORATION FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-48

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF C P & S CEMENT FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-49

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF C & S LIMESTONE FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-50

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF CROSS ROADS ASPHALT FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-51

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF ERIE BLACKTOP FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-52

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF HUGHES SUPPLY FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-53

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF LAFARGE NORTH AMERICA FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-54

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF LOKI CONCRETE AND CONSTRUCTION INC. FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-55

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF PAVEMENT TECHNOLOGY FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-56

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-57

Introduced by: Stefanik, McKee, Zaccardelli. **AN ORDINANCE ACCEPTING THE BID OF TRI-COUNTY CONCRETE FOR THE 2006 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, 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. Willey, seconded by Mr. McKee to **remove Ordinances 06-46 through 06-57 from the Rules and Ordinances 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 **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, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt the Consent Agenda as presented and read**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

MAYOR'S REPORT:

Mayor Luks gave a brief overview of the yearly budget process. This year was particularly difficult because the cost of all materials, equipment, labor, etc., has increased dramatically and our revenues have not. Mayor Luks gave the following examples of figures for the years 2000 to 2005:

Salt	increased by 116%
Fuel	increased by 78%
Gas/heating	increased by 190%
Health Insurance	increased by 82%
Landfill tipping	increased by 28%
Income Tax	increased by 16%
Property Tax	increased by 23%

Mayor Luks said that this clearly shows that our costs are accelerating at a much more rapid rate than our revenues. Therefore, in this year's budget we had to make some serious and severe cuts in order to present a balanced budget to Council. This has been very difficult because she and all of the department heads want to continue to provide the best possible services to the community and to make this a first rate community. In order to be a first rate community, not only do we need good services, but we need to have good infrastructure. This is why the administration has been advocating an increase in the income tax for the last several years so that we can provide the necessary infrastructure improvements to improve streets, reduce storm water problems, and create an environment that encourages economic development. There are only two ways that the city will get ahead on the revenue side; through increased taxes and by creating more jobs. Mayor Luks said that we need to demonstrate that we want to invest in our community in order to appeal to businesses and to encourage them to invest in our community.

A lot of progress has been made in the last few years regarding a new fire station that cuts response time in half to a third of the community. We have advanced in road repairs by leveraging the dollars that we have with grant dollars in order to be able to do more. Unfortunately, grant dollars are drying up everywhere and we have less local match dollars to be able to leverage.

Due to the budget being so tight this year, certain things have been cut. Those include street striping, crack sealing, concrete repairs, and no police car purchases. A freeze has been placed on all replacement hiring which right now means at least two people in the Service Department, three people in the Police Department and one Engineer in the Engineering Department will not be replaced. We have eliminated the operation of the concession stand at Memorial Park, and we have cut the summer fun days. We tried to look at areas to cut that would have the least severe impact on the community as a whole.

We still have to provide police protection, EMS and fire responses, and we need to maintain some level of all of the functions we provide. This was not an easy decision but we did the best we could to prioritize those cuts.

Each year City Council passes the budget and throughout the year the administration lives within that budget. We have done so every year and every year the auditors come in to make certain that we do and we have never been found to be in violation of this.

We were able to advance our bond rating a few years ago to a AA3 rating and the reason given for the upgrade in the bond rating was our sound and conservative fiscal management.

Mayor Luks said that our financial condition has nothing to do with any type of mismanagement on the part of this administration and has nothing to do with any type of unnecessary or frivolous spending. It simply has to do with the fact that the cost of everything has grown and our revenues have not grown on the same scale. She said that there has been discussion in committees over the past few days about making amendments to the budget. One amendment would remove \$40,000 from the Fire Department personnel category which includes payroll whether it is straight time or overtime, and another cuts \$10,000 from the Police Department. Mayor Luks stated that she strongly urges Council not to go forward on those amendments. We have cut these departments already to the bare bones and by taking \$40,000 away from the Fire Department, we are risking an impact on the services that this department provides and those are serious consequences. The Fire Department not only provides EMS and fire protection services, but they are involved in many community outreach services. She said that this is not an area to cut services. It is a shame that our roads are in the condition that they are and that we don't have the funding to repair those roads. This is not a surprise; the city administration has been saying over and over for years that we are unable to meet the demands of the road repairs without a tax increase and this is why we are facing the conditions we are facing. There have been comments made that the closing of the recycling yard has been a retaliatory reaction on the part of the administration because the income tax failed in the November election. Mayor Luks said that this could not be further from the truth. The fact of the matter is that this department is short handed and now will be even more so. We have a manpower shortage that hinders our ability to perform our normal Monday through Friday duties. We were manning the recycling yard on Saturdays with an employee who was scheduled Tuesday through Saturday so that there would be no overtime created. We can no longer do this as we need this person Monday through Friday to perform normal department functions. This is the only reason that the recycling yard has been closed. It was a nice service, but we still have the curbside recycling and rubbish collections.

Mayor Luks encouraged City Council to not approve these amendments this evening and as the year goes on if we see more revenues are coming in steadily or that costs are somehow not as bad as projected, then we can make these adjustments. But right now, too much is at stake and we cannot afford to make these amendments.

DEPARTMENT HEAD REPORTS:

Economic Development Director **Michael Kosdrosky** congratulated the owners of Induction Tooling on the opening of their 25,000 sq. ft. manufacturing facility in Phase 2 of the Industrial Park.

Mr. Kosdrosky also reported on the Tax Incentive Review Council's annual review of the city's five enterprise zone agreements and thanked all of the members for their participation.

Mr. Kosdrosky announced that there will be four public meetings associated with the Town Center District's Transportation and Pedestrian Linkages Plan starting in April and running through July. He announced the meeting schedule as follows;

- April 11 at 7:00 p.m. in the Council Caucus Room
- May 9 at 7:00 p.m. in the Mayor Court Room at the Police Station
- The third and fourth meetings will be announced at a later date.

Finance Director **Karen Fegan** reminded the residents that the Regional Income Tax Agency will be at City Hall to assist residents with the preparation of their city income tax returns on Thursday, March 23, 2006, from noon to 7:00 p.m. in Council Chambers.

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. Any changes to the regular schedule are noted below.

PUBLIC DISCUSSION

Nick Phillips, 10450 Castle Drive, addressed Council regarding Ordinance 06-35 and urged them to not adopt the proposed amendments to the Police and Fire Departments.

LEGISLATION

THIRD READING CONSIDERATION

No Action: 05-82, 05-83, 05-84, 05-166, 05-181, 05-182, 05-183, 05-187.

ORDINANCE 06-34

AN ORDINANCE AMENDING CHAPTER 880 EARNED INCOME TAX, SECTION 880.27 DISBURSEMENT OF FUNDS, OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY. Title read.

The Legislative Services Director read the following proposed amendments:

Section 1. Chapter 880 of the Codified Ordinances entitled Earned Income Tax, Section 880.27 Disbursement of Funds (b) (2) is hereby amended to read as follows:

(2) Income tax funds available shall be disbursed in the following manner:

S C M & R Fund	\$385,000	\$335,000 per year 12.00% of collections
Office on Aging Fund		\$165,000 per year
City Income Tax Fund	6.00%	5.00% of collections
Police Facility Operating Fund		\$180,000 per year
General Fund		Balance Remaining

Moved by Mr. Willey, seconded by Mr. McKee **to amend Ordinance 06-34 as read.**

Mrs. Bobulsky said that this legislation deals with the disbursement of our income tax to the various funds. Last night at the Finance Committee meeting, amendments were introduced and it was voted to approve those amendments to take \$40,000 from Fire Department personnel and \$10,000 from Police Department personnel and putting this \$50,000 into the streets. Mrs. Bobulsky said she supports putting money into streets, however that's what the income tax on the ballot in May could have done also. She said that she was presented with these amendments at the 11th hour last night and she asked for the justification of how they arrived at this figure. She said she asked this question again tonight at the Safety Committee meeting and the response she received was "that originally it was going to be \$60,000 but we went down to \$40,000 because it seemed right". With the budget as tight as it is right now, it does not seem right to her. We were not presented with a plan and she does not see the logic and will be voting no on these amendments.

Mr. Willey said that many other cities are having the same problem of not having enough money to go around and we need more money to run our day to day operations. It is a very difficult decision to have to make priorities and the budget is basically the plan to be implemented. The sky is not falling, there is no plan to reduce any fire protection. We have also assured both the Police and Fire Chiefs that should they need additional funds at the end of the year and the income tax revenues are increased or other cost saving measures are found, we would certainly move the other way. We have the ability to adjust the budget each month and one of the goals of the Finance Committee is to scrutinize the budget for all positive and negative aspects and we have asked for special monthly reports to help in controlling costs. It is not the intention of Council to put any person at risk. Mr. Willey said that he plans on voting in favor of the amendments and plans on being vigilant as the year goes by to hopefully replace those dollars if they are needed.

Mrs. Uffman-Kirsch said there was no advance notice given regarding these amendments before the Finance Committee Meeting last evening. When the question was asked as to what is the plan for this \$40,000 and what the impact would be, there was no clue. She thanked the Fire Chief for putting together the figures of what the impact of this would be. These figures show that for the first 3 months of 2006 it cost us \$11,000 more than what was budgeted to cover the shift fill because of firefighters who were off due to injury. If you extrapolate this over 12 months, that comes to \$44,000 more than what was budgeted for shift fill alone. The proposed amendments would cut \$40,000 from the personnel budget category of the Fire

Department. She said that what this is telling her is that there is a really high likelihood that there would be a reduction of fire personnel. She felt that these were very compelling numbers and we need to pay close attention to this.

Mayor Luks said that she feels it is dangerous to reduce this amount in the Fire Department, and expecting to get through the year and maintain the staffing levels and maintain services based on a hope that we find a way to replace these funds is not good enough for her. She is not willing to take this gamble. Mayor Luks said that she and the Finance Director have gone through this budget over and over to find areas to take money from and it is coming down to laying off people. This will have a serious impact. She wants to make it very clear to everyone that should Council vote to approve this amendment, wherever you send those dollars they are going to sit there. She said she is going to make certain that when September and October come and we have a shortage in the Fire Department that there will be some place to take the money from. If by some fluke our revenues come in higher than we have predicted, if the costs come in less, then she will be happy to make these changes. But until such time as she actually sees this, those revenues are going to sit and she will not expend those funds in another area risking that when we need them in the Fire Department later in the year, there is no place else to take them.

Roll Call: Yeas: **Five** (Stefanik, Gentile, Willey, McKee, Zaccardelli). Nays: **Two** (Bobulsky, Uffman-Kirsch). **Motion carried.**

Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 06-34 as amended.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

ORDINANCE 06-35

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH ROYALTON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2006, AND DECLARING AN EMERGENCY. Title read.

The Legislative Services Director read the following proposed amendments to Exhibit A:

	<u>Prior Year Encumbrances</u>	<u>Appropriations per Ord. 06-35</u>	<u>Total Proposed Appropriations</u>
PAGE 1			
<u>POLICE DEPARTMENT</u>			
Personal Services		2,351,000	2,351,000
		2,341,000	2,341,000
<u>FIRE DEPARTMENT</u>			
Personal Services		648,300	648,300
		578,300	578,300
<u>PARKS & RECREATION DEPARTMENT</u>			
Contractual Services		47,500	47,500
		50,000	50,000
PAGE 3			
<u>STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND #11</u>			
Street Construction, Maintenance & Repair			
Personal Service		1,133,000	1,133,000
		1,183,000	1,183,000

All subsequent totals will be amended accordingly.

Moved by Mrs. Uffman-Kirsch, seconded by Mrs. Bobulsky to **separate the question and read the amendments individually.** Roll Call: Yeas: **Two** (Bobulsky, Uffman-Kirsch). **Five** (Stefanik, Gentile, Willey, McKee, Zaccardelli). **Motion defeated.**

Moved by Mr. Willey, seconded by Mr. Gentile **amend Ordinance 06-35 as read.**

Mrs. Uffman-Kirsch said that it was unfortunate that the request to separate was defeated, as she wanted to vote in the affirmative on one of the amendments.

Roll Call: Yeas: **Five** (Stefanik, Gentile, Willey, McKee, Zaccardelli). Nays: **Two** (Bobulsky, Uffman-Kirsch). **Motion carried.**

Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 06-35 as amended.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

SECOND READING CONSIDERATION

ORDINANCE 06-45

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1244 PLATTING PROCEDURES, SECTION 1244.05 SKETCH PLAN; PRE-APPLICATION PROCEDURE, PARAGRAPH (e), ITEM (1), AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading.**

FIRST READING CONSIDERATION

ORDINANCE 06-58

Introduced by: Gentile, Bobulsky, Zaccardelli. **AN ORDINANCE GRANTING PERMISSION TO THE OWNERS OF PERMANENT PARCEL NOS. 399-21-024, 399-21-010, 399-21-026, 399-21-004, 399-21-005 AND 399-21-007 LOCATED IN THE CITY OF STRONGSVILLE, OHIO, TO TIE INTO THE NORTH ROYALTON CONSOLIDATED SANITARY SEWER DISTRICT UPON PAYMENT OF THE REQUIRED FEES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Miss Zaccardelli 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 Miss Zaccardelli, seconded by Mr. Willey to **adopt Ordinance 06-58.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

ORDINANCE 06-59

Introduced by: Zaccardelli, Gentile, Uffman-Kirsch. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1466 FLOOD DAMAGE REDUCTION, SECTION 1466.24 USE REGULATIONS, PARAGRAPH (b) AND SECTION 1466.25 WATER AND WASTEWATER SYSTEMS, PARAGRAPH (a), AND DECLARING AN EMERGENCY.** Title read.

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

ADJOURNMENT

Moved by Mr. Gentile, seconded by Mr. Willey to **adjourn the March 21, 2006, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

Meeting adjourned at 8:44 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES