

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **May 3, 2006, at 7:30 p.m.**

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

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **May 3, 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, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller.

Moved by Mr. Willey, seconded by Mr. Gentle **to excuse Council Representative Robin Zaccardelli.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, Finance Director Karen Fegan, City Engineer Clark Merdes, Fire Chief Michael Fabish, Building Commissioner Rito Alvarez, Service Director Skip Mayer, Wastewater Superintendent Charles Johnson.

ABSENT: Police Chief Paul Bican, Recreation Director Ed Swim, Office on Aging Director Debbie Duffy, Community Dev. Director Michael Kosdrosky.

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes: April 18, 2006
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a transfer of D5, D6 permit for CSJ Inc. 11409 State Road.
- c. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a transfer of C1, C2 permit for Four Suns Produce & Deli 8715 Ridge Road.
- d. Legislation:

RESOLUTION 06-66

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch, Mayor Luks. **A RESOLUTION OPPOSING THE PROPOSED "TEL" AMENDMENT THAT WILL BE ON THE STATEWIDE NOVEMBER BALLOT IN 2006.** Title read.

RESOLUTION 06-67

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch, Mayor Luks. **A RESOLUTION EXPRESSING OPPOSITION TO HB 304 WHICH SEEKS TO CHANGE THE CIRCUMSTANCES UNDER WHICH A LIEN MAY BE CREATED AND THE CIRCUMSTANCES UNDER WHICH AN ACTION AT LAW IS COMMENCED TO COLLECT UNPAID WATER, SEWAGE, AND OTHER SERVICE RATES AND CHARGES OWED TO LOCAL GOVERNMENT AUTHORITIES, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 06-68

Introduced by: Mayor Luks. **A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF FREDERICK KIDD TO THE CABLE TELEVISION COMMISSION, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 06-69

Introduced by: Mayor Luks. **AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF THOMAS J. KELLY AS PUBLIC DEFENDER FOR THE CITY OF NORTH ROYALTON, 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. McKee **to excuse Mrs. Bobulsky from voting on the April 18, 2006, minutes.** Roll Call: Yeas: **Five.** (Stefanik, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Excused: Bobulsky; Absent: Zaccardelli). **Motion carried.** 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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.** Moved by Mr. Willey, seconded by Mrs. Uffman-Kirsch **to adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

MAYOR'S REPORT:

Mayor Luks urged residents to use extra caution while driving during the summer months.

DEPARTMENT HEAD REPORTS:

Fire Chief Fabish announced that the Fire Station will be holding its annual Open House and Safety Fair on May 13, 2006, from 10:00 a.m.-2:00 p.m.

PRESIDENT OF COUNCIL'S REPORT:

Mr. Stefanik announced that the Ward 6 meeting will be held on May 9, 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: None.

LEGISLATION**THIRD READING CONSIDERATION**

No Action: 05-82, 05-83, 05-84, 05-166, 05-181, 05-182, 05-183, 05-187, 06-45, 06-59 06-62.

ORDINANCE 06-61

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 220 COUNCIL, SECTION 220.06 RULES OF COUNCIL, RULE VII COMMITTEES, PARAGRAPH (i) COMMITTEE MEETING AGENDAS, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Willey, seconded by Mrs. Uffman-Kirsch **to adopt Ordinance 06-61.**

Mrs. Uffman-Kirsch said that this legislation is the reintroduction of an ordinance she sponsored two years ago that was defeated. The main purpose of this legislation is to give advance notice of business to be discussed by Council on the committee agendas to all of Council, the Mayor, Department Heads, and the public by way of the city website. She feels that it is important to make sure that items are not added to committee agendas the night of the meeting without prior disclosure to those who may be interested in the topic being discussed. Mrs. Uffman-Kirsch encouraged Council to support this legislation.

Mrs. Bobulsky said that she too is in favor of this legislation. In order to make good decisions we need to have open discussion with all involved and affected parties. To be prepared for these discussions all parties need to be aware of what we are going to discuss. This amendment would enable this to occur and would also make for good and efficient government.

Mr. Willey said that he views this legislation as being controlling and it takes away spontaneity. In all the years he has been on Council there have been very few exceptions where a critical item of importance has been brought to a committee meeting without prior notification. He does not think we should impede a resident's ability to come to a public meeting and speak.

Mr. McKee said he feels that a resident should have the opportunity to speak if they come to a committee meeting. He does not think that the committee should have to vote to let a resident speak. He said that a lot of things happen at the last minute and if only two committee members are present, a one to one vote would mean the person would not be heard. He feels this is wrong.

Mayor Luks said that as elected officials, we are certainly facing some challenging issues in the next year. To properly advance this city and form a consensus, it is important that we all know what's happening and be able to come to the meetings prepared with issues we want to discuss. Members of Council have complained about the administration coming to meetings with information at the "11th hour", and she feels that this is a move in the right direction for all of us to work more efficiently. Regarding the issue of stopping residents from speaking, Mayor Luks felt that there could be a standing category on committee agendas for residents to speak, so this wouldn't be an issue in terms of stifling residents. What she feels is more stifling to the community is not knowing what is going to be discussed so if they choose to weigh in, they have the opportunity to do so.

Mrs. Uffman-Kirsch said she is in full agreement that the public should be able to speak at meetings and this is one of the reasons that she added the last paragraph to the amendment that says that there could be a majority vote of the committee for anything to be added at the last minute. She said that the Mayor's idea of a standing category on the agenda is an excellent idea. Regarding the spontaneity issue, she said that this legislation was not meant to be controlling in the negative sense. In the spirit of open government, if we are going to err, she would prefer to err on the side of disclosure.

Mr. Willey said that using the word "disclosure" may give the citizenry the perception that we are going into backroom meetings. He did not feel the term "disclosure" is an appropriate statement and said that there isn't anything that anyone is hiding; based on the Sunshine Law we can't make significant decisions without public notice. All of our agendas contain an item entitled "New Business" and the intention of this is to allow for new business. The agendas are created the Wednesday before the meeting and issues could very well come up that we need to talk about in committee. For instance, last weekend we had the rain storm and there were a number of residents throughout the city that had flooding problems, road damage, etc. but this topic was not on the Streets Committee agenda. He said that should this legislation be adopted, he thinks that the Department Heads and the Administration should submit any and all documentation necessary to Council in advance so that it too can be included on the agenda.

Mrs. Bobulsky read the paragraph that Mrs. Uffman-Kirsch eluded to earlier: "any items requested to be discussed under new business at the current committee meetings with less than 48 hours may be added to the agenda by a majority vote of the members of the committee." She said that this says it right there.

Mr. McKee said that the legislation reads "....with less than 48 hours may only be added....", he said that Mrs. Bobulsky missed the word "only". This goes back to giving the people a chance to speak and not having a majority on the committee decide. Mr. McKee said that nothing gets final approval in committee; everything comes before Council in a public forum, so nothing is being hidden.

Mayor Luks certainly agrees that the Administration and Department Heads should also get information to the Council members so that there is preparation time and a more meaningful discussion can take place. She said that Mr. McKee is correct in that the decisions are made on Council floor, but the idea is to have a more meaningful discussion at committee meetings with prepared information so that everyone comes prepared. She felt that the inference is not that we are trying to hide anything, the reference in terms of disclosure is to ensure that everyone is as informed as possible as to what the upcoming issues are. She again stated that the concerns raised about residents being able to speak could be addressed with a standing category on committee agendas.

Mr. Gentile said that he is not going to support this legislation. This is trying to fix something that is not broken and gives the perception that there is some kind of hidden society going on. He said that our meetings are all open to the public, our agendas are all posted. He said that we need to be able to react quickly to the needs of our residents and feels that we should leave things the way they are. Only Council, in a public forum with proper notice, can make final decisions. There is nothing going on that is secret and he urges Council to vote no.

Mr. Stefanik said that he will be voting no on this legislation. To force a resident to ask permission to speak at a committee meeting and then vote on it is absolutely ridiculous. The residents know that they can come up to committee meetings and ward meetings and talk to their Council representatives and the city administration and voice their opinions at these meetings. He hopes to keep it this way and urged Council to vote no on this legislation.

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

SECOND READING CONSIDERATION

ORDINANCE 06-64

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING & ZONING CODE, CHAPTER 1248 IMPROVEMENTS, APPENDIX V, AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading.**

FIRST READING CONSIDERATION

ORDINANCE 06-70

Introduced by: Gentile, Bobulsky, Zaccardelli. **AN ORDINANCE ACCEPTING A SEWER EASEMENT FROM ANTHONY AND ISELA SANTANGELO, PPN 482-10-027, 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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, , Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.** Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 06-70.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, , Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

ORDINANCE 06-71

Introduced by: Bobulsky, Zaccardelli, Uffman-Kirsch, Mayor Luks. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) 2007 FORD F-350 FOR THE POLICE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$35,000, 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 Drug Law Enforcement Fund #6.

Moved by Mr. Willey, seconded by Mr. Gentile to **suspend the rules requiring 3 readings and referral to committee.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 06-71.**

Mayor Luks pointed out that the money being used to purchase this vehicle came from confiscated drug money and that no tax dollars are being used.

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

ORDINANCE 06-72

Introduced by: Uffman-Kirsch, Mayor Luks. **AN ORDINANCE REPEALING CHAPTER 1280 PLANNED UNIT DEVELOPMENT OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Gentile to **add Council Representative Bobulsky as a sponsor to this legislation.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

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

ORDINANCE 06-73

Introduced by: Uffman-Kirsch, Mayor Luks. **AN ORDINANCE AMENDING PART TWELVE PLANNING AND ZONING CODE, TITLE SIX ZONING, CHAPTER 1281 TRADITIONAL TOWN CENTER/MAIN STREET DISTRICT, SECTIONS 1281.05(a)(3), 1281.16, AND 1281.17(a), AND ENACTING SECTION 1281.19 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PERTAINING TO DEVELOPMENT REVIEW PROCEDURES, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Willey to **add Council Representative Bobulsky as a sponsor to this legislation.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

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

MISCELLANEOUS

Mr. McKee urged residents to recycle their mixed paper (newspaper, magazines, junk mail, etc.) in an effort to help increase revenues without raising taxes.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Gentile to **adjourn the May 3, 2006, City Council Meeting.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None.** (Absent: Zaccardelli). **Motion carried.**

Meeting adjourned at 8:30 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES