

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **June 20, 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, Law Director Thomas O'Donnell, Finance Director Karen Fegan, City Engineer Clark Merdes, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Skip Mayer, Office on Aging Director Debbie Duffy, Recreation Director Ed Swim, Community Development Director Mike Kosdrosky, Building Commissioner Rito Alvarez, Wastewater Supt. Charles Johnson.

Agenda reviewed.

Law Director Thomas O'Donnell was asked if Miss Zaccardelli would be permitted to vote on approving the procedure to fill the Ward 5 vacancy. Mr. O'Donnell said yes.

Mr. O'Donnell said the issues in question regarding 06-80 have been addressed. It was agreed to remove this Ordinance from the Streets Committee and take action this evening.

Mr. Willey inquired of the applicant for Ordinance 06-93 if the lease was short or long term. Mr. Chiuchiarelli responded that the lease was for 5 years.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **June 20, 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, Law Director Thomas O'Donnell, Finance Director Karen Fegan, Community Development Director Michael Kosdrosky, Wastewater Supt. Charles Johnson, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Skip Mayer, Office on Aging Director Debbie Duffy, Recreation Director Ed Swim.

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

- a. Approval of minutes: June 6, 2006, June 8, 2006.
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a stock transfer of D5, D6 permit for Premier Golf Avalon LLC 11409 State Road.
- c. Authorize the Mayor and Wastewater Superintendent to advertise for bids for ferrous chloride and sawdust.
- d. Authorize the Mayor and Service Director to advertise for bids for the sale of an Onan Generator and to accept the bid from the highest bidder.
- e. 90-day extension Sketch Plan Approval. Rivers Edge Subdivision, PPN 485-12-006 and PPN 485-11-001.
- f. Legislation:

#### **RESOLUTION 06-82**

Introduced by: Mayor Luks. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF BRIAN SHEFFIELD TO FILL THE UNEXPIRED TERM OF KEVIN MCDERMOTT AS A MEMBER OF THE CABLE TELEVISION COMMISSION, AND DECLARING AN EMERGENCY.** Title read.

**RESOLUTION 06-83**

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch, Mayor Luks. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN A. ELEK TO THE POSITION OF POLICE LIEUTENANT IN THE CITY OF NORTH ROYALTON POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.** Title read.

**ORDINANCE 06-84**

Introduced by: Bobulsky, Gentile, Willey. **AN ORDINANCE ACCEPTING A SURETY BOND FROM THE HARTFORD FIRE INSURANCE COMPANY IN THE AMOUNT OF \$41,539.68 AS A GUARANTEE FOR THE FUTURE INSTALLATION OF SIDEWALKS IN THE WORTHINGTON SUBDIVISION, PHASE 1, AND DECLARING AN EMERGENCY.** Title read.

**RESOLUTION 06-91**

Introduced by: Mayor Luks. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN RANUCCI TO FILL THE UNEXPIRED TERM OF THOMAS KOCH AS A MEMBER OF THE CITY OF NORTH ROYALTON'S BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Gentile, seconded by Mr. McKee to **excuse Council Representatives Willey and Zaccardelli from voting on the minutes of June 6, 2006.** Roll Call: Yeas: **Five** (Stefanik, Bobulsky, Gentile, McKee, Uffman-Kirsch). Nays: **None.** (Excused: Willey, Zaccardelli). **Motion carried.**

- 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. Willey 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 Mr. Gentile 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:** No report.

**DEPARTMENT HEAD REPORTS:** No reports.

**PRESIDENT OF COUNCIL'S REPORT:**

Moved by Mr. Willey, seconded by Mr. Gentile to **hold an Executive Session immediately following the regular order of business to discuss matters of pending or imminent litigation [ORC 121.22 (G)(3)].** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

Mr. Stefanik read Miss Zaccardelli's letter of resignation dated June 12, 2006, into the record. He then read a letter he had written on June 13, 2006, outlining the procedure to fill the Ward 5 Council vacancy. A copy of both these letters are attached to these minutes.

Mr. Stefanik asked the Director of Legislative Services to have this memorandum, along with the July 3, 2006, Work Session notice posted at the 5 public posting stations throughout the city. He also asked that this information be posted on the city's website. Mr. Stefanik said that the Plain Dealer will have the information to print in their Metro section later this week and he said he hopes that the Sun Star will have information in Thursday's edition.

Moved by Mr. Willey, seconded by Mr. Gentile to **approve this procedure to fill this vacancy.**

Mrs. Uffman-Kirsch read into the record a letter she wrote dated June 15, 2006, outlining her concerns about this procedure for replacement. A copy of this letter is attached to these minutes. Mrs. Uffman-Kirsch acknowledged that her request for posting on the website, at the posting locations and in two of the three local papers has been addressed. She further stated that in a phone conversation she had today with Mr. Stefanik, he stated to her that this is the procedure that would be followed tonight and he shared his concern that he wouldn't want to have a vacancy in the seat. She said she has serious reservations and concerns about voting

to select a representative for this ward from resumes and letters alone, and not having the opportunity to interview or talk to these applicants. If you look at the schedule, according to the plan Miss Zaccardelli was going to resign at the end of the July 5, 2006, meeting. From July 5 to July 18, we would have approximately 2 weeks to conduct interviews and if we moved under the President of Council's report at the July 18<sup>th</sup> meeting to vote on the appointment, there would be no vacancy in the seat. Mrs. Uffman-Kirsch said that she is not sure why this is such an issue, as she recalls that when she was first elected to this council seat, Ward 6 sat vacant while it was being decided where she lived and it wasn't a problem at that point. She felt that this was the only thorough way to conduct this.

Mrs. Bobulsky said that since the Charter is silent on the procedure of how to fill this vacancy, she thinks that we need to approach this in a businesslike manner. At any business regardless of the position, you apply by putting in an application, you have an interview and then the selection process takes place. She felt that we should conduct ourselves in that manner, particularly due to the fact that she feels we have an obligation to the voters of Ward 5 who cannot actually vote on this issue and who don't have an actual say.

Mr. Willey asked the Law Director if, with the recommended procedure, we are within the Charter in doing this.

Mr. O'Donnell said yes he thinks so.

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

### 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.**

- Building & Building Codes: Rescheduled from June 22, 2006, to June 28, 2006 at 7:00 p.m.

**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, 06-64, 06-72, 06-73.

#### ORDINANCE 06-75

**AN ORDINANCE APPROVING THE CUYAHOGA COUNTY SOLID WASTE DISTRICT SOLID WASTE MANAGEMENT PLAN UPDATE: 2007-2021, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 06-75.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

#### ORDINANCE 06-80

**AN ORDINANCE APPROVING WOODCROFT GLEN'S PROPOSED WOODCROFT GLEN SUBDIVISION PHASE 1 FOR RECORD PURPOSES ONLY, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mrs. Bobulsky, seconded by Miss Zaccardelli to **remove Ordinance 06-80 from the Streets Committee.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.** Moved by Mrs. Bobulsky, seconded by Miss Zaccardelli to **adopt Ordinance 06-80.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

### SECOND READING CONSIDERATION

*(06-82, 06-83 and 06-84 were adopted under the approval of the Consent Agenda).*

**ORDINANCE 06-85**

**AN ORDINANCE ACCEPTING THE BID OF BDP INDUSTRIES, INC. FOR THE PURCHASE OF SLUDGE DEWATERING EQUIPMENT IN THE AMOUNT OF \$225,000 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 the

Moved by Miss Zaccardelli, 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 06-85.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

**ORDINANCE 06-86**

**AN ORDINANCE ACCEPTING THE PROPOSAL OF QUALITY CONTROL INSPECTION, INC. TO PROVIDE SUBDIVISION INSPECTIONS IN THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. McKee to allow Mr. Gentile **to be recused from voting on this matter.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Recused: Gentile). **Motion carried.** Moved by Mr. Willey, seconded by Mr. McKee to **suspend the rules requiring 3 readings and referral to committee.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Recused: Gentile). Moved by Mr. Willey, seconded by Miss Zaccardelli **to amend Ordinance 06-86 as follows:**

Section 2. The Mayor is hereby authorized to enter into a contract with Quality Control Inspection, Inc. in a form approved by the Director of Law, ***said contract to be effective May 1, 2006.***

Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Recused: Gentile). Moved by Mr. Willey, seconded by Miss Zaccardelli **to adopt Ordinance 06-86 as amended.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** (Recused: Gentile).

**ORDINANCE 06-87**

**AN ORDINANCE ACCEPTING THE PROPOSAL OF SOLAR TESTING LABORATORIES, INC. TO PROVIDE SUBDIVISION INSPECTIONS IN THE CITY OF NORTH ROYALTON, 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 amend Ordinance 06-87 as follows:**

Section 2. The Mayor is hereby authorized to enter into a contract with Solar Testing Laboratories, Inc. in a form approved by the Director of Law, ***said contract to be effective May 1, 2006.***

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 06-87 as amended.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

**ORDINANCE 06-88**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1492 CONTROLLING RIPARIAN SETBACKS AND WETLANDS SETBACKS, SECTION 1492.02, SECTION 1492.09 AND SECTION 1492.11, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading.**

**ORDINANCE 06-89**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1246 DESIGN STANDARDS, BY ADDING NEW SECTION 1246.14 AND DECLARING AN EMERGENCY.**  
Title read.

Placed on **third reading**.

**FIRST READING CONSIDERATION**

*(06-91 was adopted under the approval of the Consent Agenda).*

**RESOLUTION 06-92**

Introduced by: Mayor Luks. **A RESOLUTION ADOPTING THE DOCUMENT CONTAINING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF NORTH ROYALTON FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND SUBMITTING THE SAME TO THE AUDITOR OF CUYAHOGA COUNTY, OHIO 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, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Miss Zaccardelli to **adopt Ordinance 06-92.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

**ORDINANCE 06-93**

Introduced by: Willey. **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR CARLO CHIUCHIARELLI OF 10200 INVESTMENT GROUP, LLC, FOR THE PURPOSE OF OPERATING A HAIR SALON AT 10300 ROYALTON ROAD, UNIT A, PPN 483-13-14, GENERAL INDUSTRIAL ZONING, PROPERTY OWNER CARLO CHIUCHIARELLI, 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 06-93.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

**ORDINANCE 06-94**

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE NO. 06-35 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006, AS AMENDED BY ORDINANCES 06-74 AND 06-90, BY MAKING ADDITIONAL APPROPRIATIONS, 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, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 06-94.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

**MISCELLANEOUS**

**Ed Miller**, 10613 Tudor Circle, read a statement regarding city income tax, a copy of which is attached to these minutes.

Finance Director Karen Fegan commended Mr. Miller for being involved in this issue. She said that while she agrees with some of his points, there are other basic points that they are very far apart on. She said that we do need an income tax increase and the revenue. The \$1.1 million per year that Mr. Miller said we need for streets would take care of those roads that are currently past their useful life, but that's all we could do for the next ten years until those are paid for. It also does not take into account that these costs are going to go up by that 10<sup>th</sup> year. We have been advised to expect a 15% increase next year in the cost of road projects and Mr. Miller is not taking this into consideration. We have other street needs in the city other than those on the current list. Our proposal would have allowed for money for additional personnel to

be working on the streets and would have allowed for us to purchase a paver so that we could have the personnel doing the necessary repairs.

Mrs. Fegan said that Mr. Miller is correct when he says that the final dollar amount for the storm water projects has not been determined. It may be even higher than her \$5 million estimate because it did not include the cost of easements, and other property purchases. Additionally, we made sure that there was money available for personnel to work on those sewer and flooding projects and to pay for the necessary easements as well.

Mrs. Fegan stated that the increase from RITA does include all tax payers to the city; it includes our withholding accounts, our net profit accounts, and our residents. Mr. Miller's opinion is that an additional percentage should be paid across the board, but we have residents with differing opinions. She said she received an email from a resident who stated that she did not feel it was the burden of the people who work outside of the city to pay more while the people who live and work in the city and use the roads more don't pay their fair share. While people who live and work in the city are paying 1% income tax, residents who work outside of the city pay 2% or more. Mrs. Fegan urged Mr. Miller to contact her with any questions or concerns.

Mrs. Uffman-Kirsch said that the \$5.5 million that was mentioned for the flooding project in the citizens report does not include several flooding projects in her ward, so this is an understated number.

Mrs. Uffman-Kirsch asked Mr. Stefanik that since there was just a vote and no discussion, she asked for an explanation as to why we cannot hold candidate interviews for the Ward 5 replacement.

Mr. Stefanik said there was a motion on the floor and it was voted on; there was discussion.

Mr. Willey said that we are in the process of developing a town center that purportedly is going to bring in many millions of dollars, so there is an avenue of additional revenues that will be able to help pay for infrastructure, etc. While there is a 10 year projection, he would anticipate between now and the next ten years our town center, should it thrive, should generate ample monies for the difference in the city services.

Moved by Mr. Gentile, seconded by Mr. Zaccardelli to **recess into an Executive Session to discuss matters of pending or imminent litigation [ORC 121.22 (G)(3)]**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried.**

**Council meeting recessed at 8:36.**

## **EXECUTIVE SESSION**

**Executive Session called to order at 8:41 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, Finance Director Karen Fegan, Community Development Director Mike Kosdrosky.

- Matters of pending or imminent litigation discussed. [ORC 121.22 (G)(3)]

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

**Executive Session adjourned at 9:42 p.m.**

Moved by Mr. Gentile, seconded by Miss Zaccardelli to **reconvene the June 20, 2006, City Council Meeting**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None**. **Motion carried.**

**Council meeting reconvened at 9:42 p.m.**

Moved by Mr. Gentile, seconded by Mr. Willey to **approve the settlement for the North Royalton Storage case for the amount discussed in the Executive Session based on the recommendation of the Law Director**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli). Nays: **One**. (Uffman-Kirsch) **Motion carried.**

**ADJOURNMENT**

Moved by Mr. Willey, seconded by Mr. Gentile **to adjourn the June 20, 2006, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

**Meeting adjourned at 9:44 p.m.**

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

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