

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **July 5, 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, Recreation Director Ed Swim, Building Commissioner Rito Alvarez.

Agenda reviewed.

Mr. O'Donnell was asked if Ordinance 06-104 was required to be referred to the Planning Commission. Mr. O'Donnell said no.

Regarding Ordinances 06-107 and 06-108, Mrs. Uffman-Kirsch asked if everyone was ok with the proposed income tax split as proposed in this legislation, since it was not discussed at the last Finance Committee meeting. Mr. Stefanik asked that it be referred to the Finance Committee for discussion.

Discussion was held regarding an easement for a driveway to service the property formerly occupied by Simply Oak so that they can access Rt. 82 via our wastewater treatment plant driveway. Arrangements would be made to require the property owner to be responsible for a percentage of the driveway maintenance. Council had no problem with Mr. O'Donnell pursuing this matter further.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **July 5, 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, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Skip Mayer, Recreation Director Ed Swim.

ABSENT: Office on Aging Director Debbie Duffy, Wastewater Supt. Charles Johnson, Community Development Director Michael Kosdrosky.

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes: June 20, 2006
- b. 90-day extension sign approval. Huntington, York/Royalton, LLC, York Road.
- c. 90-day extension approval for an addition. Transport Services, Inc., 10499 Royalton Road.
- d. Legislation:

RESOLUTION 06-95

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

RESOLUTION 06-96

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

RESOLUTION 06-97

Introduced by: Mayor Luks. **A RESOLUTION EXPRESSING SUPPORT FOR THE CORAL NRTC, LLC APPLICATION FOR BROWNFIELD REDEVELOPMENT FUND COMMUNITY ASSESSMENT INITIATIVE FOR PROPERTY IN CONNECTION WITH THE TOWN CENTER PROJECT, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-98

Introduced by: Gentile, Bobulsky, Zaccardelli. **AN ORDINANCE ACCEPTING AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A SANITARY SEWER ACROSS PPN 456-26-029 OWNED BY HILLIARD, LLC, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-99

Introduced by: Gentile, Bobulsky, Zaccardelli. **AN ORDINANCE ACCEPTING AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A SANITARY SEWER ACROSS PPN 456-28-003 OWNED BY MICHAEL AND MARGUERITE MORAN, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 06-100

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.

- 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 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. Gentile, seconded by Mr. Willey 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 reported that last year the City of North Royalton, together with the cities of Broadview Hts. and Brecksville, applied for a grant to fund a balanced growth watershed management plan for Chippewa Creek. She received a letter this past Friday from the Executive Director of the Cuyahoga County River RAP organization stating that we have been granted \$35,000 with an additional \$9,600 coming from the Ohio Lake Erie Fund to fund this planning initiative.

Mayor Luks addressed the June 22, 2006, storm event. She said it was one of the worst storms we have seen in this region for many years. The President has declared Cuyahoga County a disaster area, and therefore FEMA assistance is available to residents who suffered damage. Mayor Luks encouraged any resident who has suffered damage and has not yet notified either the Service Department of the Mayor's Office to please do so. We will be working to send out FEMA information and flood insurance information to all residents who reported flooding. If residents have any questions regarding FEMA assistance call the Mayors Office.

Mayor Luks wished to commend all of the city departments on their responses during this event and all the days that followed. Mayor Luks encouraged residents to notify the city if they see blocked culverts and drainage ditches due to debris that has washed into them so that they can be addressed. Mayor Luks also thanked the CERT Team for their assistance both Friday and Saturday following the storm.

Mayor Luks commended and thanked the community for their understanding and help during this event.

Mayor Luks introduced John Polonye from the North Royalton Greenways Committee who will make a brief presentation to bring us all up to date on their project status.

Mr. Polonye said that the committee consists of 10 volunteer residents who are involved in preserving the unique nature of our community, with the focus being on the creation of public parks and a trail system throughout the city. Their primary objective is to comply with the Master Plan directive which states that there is to be created a system of interconnecting green space. This is to be done within and throughout the city commencing with sidewalk development in the core sections of the city with outlying bike and walking trails constructed though the acquisition of easements and/or land set asides for future development. Mr. Polonye said the committee has been meeting for the past 14 months with outside entities to create a map showing the possible links and set asides for parks and trail systems that would traverse throughout the city and link to current public recreation and public facility areas. The parks and trails will help provide for the health and safety of the residents by providing opportunities for hiking, biking, bird watching, and other passive recreation. They have been using available zoning and topographic maps from the city and resources from the Cuyahoga County Soil and Water Conservation District, the Cuyahoga County Planning Commission, and the Cleveland MetroParks to help develop their maps. They have also met with groups such as the Westcreek Preservation Committee of Parma to get their feedback, ideas, and advice. Mr. Polonye said they are in the process of completing their map to present to the Recreation Board in the near future.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL'S REPORT:

Moved by Mr. Willey, seconded by Mr. Gentile **to recess all City Council and Council Committee meetings for the month of August.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None. Motion carried.**

Mr. Stefanik announced that the Ward 2 meeting will be held on July 11, 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:

Ed Miller, 10613 Tudor Circle, addressed Council regarding 06-107. His main concerns were that a 1% city income tax increase on all taxpayers will raise \$8.7 million/year but with the credit of 100% up to 1.75% will result in a give back of \$5.6 million, resulting in \$3.1 million per year additional revenue. He said that 25% of the income tax is allocated to storm water and drainage is too much for this purpose. He said it would raise \$4.5 million more than has been stated is necessary by the Citizens Flooding Committee. He said that it has been stated that \$4 million additional is needed for the Turnpike flooding project. He said that responsibility of this is being contested, city vs. Turnpike, and if we don't have to pay this, there is no need for this additional money. Mr. Miller discussed Turnpike lane acreage in the city and the resultant drainage problems. He felt that when the storm water drainage projects are finished, the 25% additional tax should result in a corresponding tax reduction rather than be available to the general fund or for other projects that are needed.

Finance Director Karen Fegan responded to Mr. Miller's comments. She said that the \$3.1 million revenue that will be generated from the income tax increase would be used for road projects, additional personnel, and additional equipment to work on these road projects. Regarding the storm projects, the Citizens Flooding Committee recommended close to \$5 million dollars in projects and these were only for a small portion of the city. We also need money after these projects are completed to continue to maintain them and keep them operational. If we had a reduction in the income tax as suggested by Mr. Miller, we would have no money coming in for any additional projects or problems that may arise. Mrs. Fegan said that we have justifiable reports from experts as to the economic feasibility of this tax increase.

City Engineer Clark Merdes responded to Mr. Miller's comments. He said that he found Mr. Miller's comments regarding the Turnpike drainage difficult to follow. He suggested that Mr. Miller meet with the Engineering Department because they certainly have much more information about the Turnpike. Regarding the Citizens Oversight Flooding Committee, Mr. Merdes said that we need to be careful about the costs stated in their report because they pertain to construction costs only; they are not project costs and do not include land costs which could be substantial in some cases.

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, 06-88, 06-89.

FIRST READING CONSIDERATION

ORDINANCE 06-101

Introduced by: Willey. **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR AVIS RENT A CAR SYSTEMS, INC., FOR THE PURPOSE OF OPERATING A CAR RENTAL OFFICE AT 10050 ROYALTON ROAD, PPN 483-15-016, GENERAL INDUSTRIAL ZONING, PROPERTY OWNER GARY STINNETT, 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 Miss Zaccardelli, seconded by Mr. Gentile to **adopt Ordinance 06-101.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Zaccardelli, Uffman-Kirsch). Nays: **None.** **Motion carried.**

ORDINANCE 06-102

Introduced by: Mayor Luks. **AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID DELINQUENT SEWER CHARGES FOR LEVY AND COLLECTION, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading.**

ORDINANCE 06-103

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1426 OHIO RESIDENTIAL CODE, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 06-104

Introduced by: Mayor Luks. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1224 ARCHITECTURAL REVIEW BOARD, SECTION 1224.02 DUTIES AND POWERS AND 1224.08 REVIEW PROCEDURES, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 06-105

Introduced by: Mayor Luks. **AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF NORTH ROYALTON FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 06-106

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 214.07 FEES IN THE PLANNING AND ZONING CODE, PARAGRAPH (c) ARCHITECTURAL REVIEW BOARD ITEMS, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 06-107

Introduced by: Bobulsky, Uffman-Kirsch, Mayor Luks. **AN ORDINANCE TO AMEND SECTIONS 880.01, 880.03, 880.04, 880.17, 880.20, 880.26, AND 880.27 OF CHAPTER 880 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, 2007, FOR THE PURPOSES 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 OTHER RELATED MUNICIPAL STREET AND STORM WATER OPERATING EXPENSES AND OTHER GENERAL MUNICIPAL FUNCTIONS OF THE CITY, AND TO INCREASE THE MUNICIPAL INCOME TAX CREDIT TO 100% OF THE AMOUNT OF MUNICIPAL INCOME TAX PAID TO ANOTHER MUNICIPALITY ON THE SAME INCOME TAXABLE UNDER CHAPTER 880 OF THE CODIFIED ORDINANCES OF THE CITY UP TO 1.25%, WITH NO REDUCTIONS IN THE TAX CREDIT PERMITTED WITHOUT THE APPROVAL OF THE ELECTORS OF THE CITY AS PROVIDED HEREIN, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 06-108

Introduced by: Bobulsky, Uffman-Kirsch, Mayor Luks. **A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 880.01, 880.03, 880.04, 880.17, 880.20, 880.26, AND 880.27 OF CHAPTER 880 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, 2007, FOR THE PURPOSES 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 OTHER RELATED MUNICIPAL STREET AND STORM WATER OPERATING EXPENSES AND OTHER GENERAL MUNICIPAL FUNCTIONS OF THE CITY, AND TO INCREASE THE MUNICIPAL INCOME TAX CREDIT TO 100% OF THE AMOUNT OF MUNICIPAL INCOME TAX PAID TO ANOTHER MUNICIPALITY ON THE SAME INCOME TAXABLE UNDER CHAPTER 880 OF THE CODIFIED ORDINANCES OF THE CITY UP TO 1.25%, WITH NO REDUCTIONS IN THE TAX CREDIT PERMITTED WITHOUT THE APPROVAL OF THE ELECTORS OF THE CITY AS PROVIDED HEREIN, AND DECLARING AN EMERGENCY.** Title read.

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

MISCELLANEOUS

Ed Miller, 10613 Tudor Circle, read a statement into the record, a copy of which is attached to these minutes.

Mayor Luks said that Mr. Miller's opinion is that this tax increase is not equitable because he will go from a 1% to a 2% income tax. However, the residents who have been paying 2% or higher for years feel very differently.

Regarding the justification for the income tax increase, we have been over and over the amounts needed for road repairs and as time goes by, those amounts increase. There are many road repairs beyond those listed that need attention but that we don't have the money to fix. Mayor Luks said that we could justify a much bigger increase than what we are asking for, but we are trying to put forward what we feel is the best and most equitable proposal.

Miss Zaccardelli announced that this would be her last meeting and that she was resigning for health and personal reasons. She thanked the residents of Ward 5 for their trust and support during her time in office. She also cautioned voters to look carefully at the Mayoral candidates before casting their vote in 2007.

Moved by Mrs. Bobulsky, seconded by Mrs. Uffman-Kirsch **to recess the Council meeting into Executive Session for the purpose of discussing the appointment of a public official to fill the vacated Ward 5 Council seat.** Roll Call: Yeas: **Two** (Bobulsky, Uffman-Kirsch). Nays: **Four:** (Stefanik, Gentile Willey, McKee). (Miss Zaccardelli no longer a voting member of Council). **Motion defeated.**

Mrs. Bobulsky said that she asked for this Executive Session for three reasons. The first being that during the Work Session that was held July 3, 2006, there was no discussion among Council as a whole of the candidates individually about their applications or credentials. Secondly, she does not think we should publicly discuss those credentials here because it would make the candidates uncomfortable. Thirdly, in light of a conversation she had today with one of the candidates, it is appalling to her to learn that he was not aware of the procedure that was going to take place at the Work Session. He was not aware that there was the possibility of Council members being able to question the candidates. He also felt that he was being told that he probably would not be asked to speak. Mrs. Bobulsky said that she specifically recalled asking at the Work Session if in fact all applicants were aware of the process. The answer she received was yes.

Mr. Stefanik said that he spoke individually with every applicant last week over the phone and told them what the procedure would be. He said he asked questions of them that he thought were important. We had a public open meeting Monday night that the public was invited to, and now you want to go behind closed doors and ask a few more questions when no one can hear what those question are. Mr. Stefanik said that is not fair to the residents of North Royalton. The last time this happened in 1989, it was taken care of in about 5 minutes, and he has the minutes from that meeting if anyone is interested. We have taken our time, we have asked residents to submit resumes. He said that he, and he believes the majority of Council, have personally talked with each of the applicants and then we had the opportunity to do so again on Monday night. He cannot understand why Mrs. Bobulsky would want to go behind closed doors to discuss more.

Mr. Willey said that he felt that all 5 applicants were very well qualified and had various skills and backgrounds. Mr. Willey read the qualifications to be a North Royalton Council Representative as stated in the City Charter:

Candidates for Council shall have resided in the Municipality and have been an elector thereof for a period of at least two (2) years next preceding his or her election. Each ward Councilmember must have lived in his or her ward at least one (1) year prior to election and must continue to live in the ward he or she represents during his or her entire term of office. No member of Council, except as hereinafter provided in this Charter, shall hold any other elected public office or be employed by the Municipality, except that of notary public or member of the State Militia, or Reserve Corps of the United States, or be directly or indirectly involved in the disbursement of public moneys of North Royalton, except while performing his or her duties as Councilperson.

To the extent as provided by law, no member of Council shall directly or indirectly solicit, contract for, receive or be interested in the profits or emoluments of any contract, job, work or service with or for the Municipality. Any member who ceases to possess any of the qualifications herein set forth, or who removes from the Municipality, shall thereby forfeit his or her office.

Mrs. Uffman-Kirsch stated that she had previously objected to the process that was chosen by Council majority because of the fact that there was no opportunity to interview the applicants. When she came to the Work Session, she was not aware that they were going to be able to ask questions of the applicants that were present. She doesn't believe Mrs. Bobulsky was aware of it either. When it was discovered that we were able to ask questions of the applicants present, she remembers that the question was asked twice as to whether or not the other two applicants that were not present at the Work Session knew that they could be questioned. The answer

from Mr. Stefanik in both those cases was yes. She said that she finds it very concerning, and a travesty of the actual fairness of the process, that we have an applicant that was never told to come and was actually told that they probably would not be called on to speak.

Regarding the Executive Session, Mrs. Uffman-Kirsch asked the Director of Legislative Services to read the stated purpose of the July 3, 2006, Work Session contained in the public notice of the Work Session. Mrs. Uffman-Kirsch said she was unsure if the purpose was stated in the notice, the agenda or both.

Mrs. Haller responded that the purpose is stated in both and read the following:

North Royalton City Council, Notice of Special Work Session. Pursuant to Article III, Paragraph (g) of the Charter of the City of North Royalton, a special Work Session of the North Royalton City Council was called in writing by President of Council Robert A. Stefanik to be held at 5:30 p.m. on Monday, July 3, 2006, at North Royalton City Hall, 13834 Ridge Road, North Royalton, Ohio 44133. The purpose of the Work Session is to discuss the following:

- a) replacement for the position of Ward 5 Council Representative.

Mrs. Haller said that the Work Session agenda stated the following:

1. Call to order.
2. Roll call.
3. Director to read Special Work Session notice.
4. Council and invited participants discussion of Work Session issues as follows:
 - a) Replacement for the position of Ward 5 Council Representative
5. Adjournment.

Mrs. Uffman-Kirsch said that she did not believe that there was any discussion by Council of the applicants that were there.

Mr. Stefanik said that when he was informed that Miss Zaccardelli was going to resign, he immediately contacted the Law Director to discuss the procedures. He said that he was very meticulous in making sure that everything was done absolutely right because he sensed that we would get something like this where certain individuals want to pick something apart just to prolong the process and make it more difficult for us to have a smooth transition. Mr. Stefanik asked the Law Director if there were any problems with the way we are doing this.

Mr. O'Donnell said that he thinks that the procedure that was followed satisfactorily meets the requirements of the law. Typically Council decides how it is going to proceed with the replacement. The Charter is vague enough that it leaves it open for Council to decide. It was his understanding after discussion with Mr. Stefanik that Council would pass a motion in terms of this procedure. The question posed tonight was whether or not there was any discussion at the Work Session as stated in the notice. Mr. O'Donnell said that you can lead a horse to water, but you can't make it drink. Even though the purpose of the meeting was to discuss something, it does not necessarily mean that the members of Council have to discuss it. All members of Council were present and if they had nothing to say or discuss, it doesn't necessarily mean that the purpose of the meeting was not met.

Mr. McKee said that he took it upon himself after receiving the resumes to call all five of the applicants and he spoke to each one of them. He asked them all the same questions and documented their answers. He felt that this was in the best interest of the residents of his ward. He feels very comfortable in making his decision after speaking to all 5 candidates. He said that he is confused by those saying that we did not follow procedure. He had resumes in front of him and made the calls. It was not that difficult and took 15 minutes for each applicant. Did he expect someone to tell him to call these people? No, he took it upon himself. He felt that if you are going to make an important decision you need to be a motivated person and talk to people, and that is what he did.

Mrs. Bobulsky wished to reiterate that while conducting a phone interview today with one of the applicants, she found out that he was not aware of how the Work Session was going to take place. Mrs. Bobulsky feels that this is just unfair.

Mrs. Uffman-Kirsch said that as it relates to the comments of taking the initiative to call people to interview them, she said that she prefers to do interviews in person. She said that she did not think she was going to have the opportunity to interview any of the applicants based on her prior request. At the Work Session, she was only able to interview 3 of those present. She found out that one applicant was not told that they would be interviewed at the Work Session, and she

thinks the process is tainted. She said there is no reason to delay, everybody sitting up here and many in the audience know why there is no reason to delay. She said that she does not think it is a delay process at all; it's a fairness and ethical question.

Mr. Stefanik again stated that he spoke with all 5 applicants and told them about the Work Session and that they were welcome to come to the meeting. He thought that 4 were going to show up, but only 3 showed up. One gentleman was out of town but he knew of this meeting and how it was going to operate. Everyone had an opportunity to come and speak. Mr. Stefanik said that he finds it a little surprising that Mrs. Uffman-Kirsch could not find time to call these individuals and make time for an interview last week. He said there was plenty of time to do that.

Mr. Willey said he spoke with all but one of the applicants and they were all aware of the meeting.

Moved by Mr. Gentile, seconded by Mr. Willey to **open nominations for the position of Ward 5 Council Representative**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None**. **Motion carried**.

Mr. Stefanik said that the chair will now entertain nominations.

Mr. Gentile nominated **Larry Antoskiewicz** for the position of Ward 5 Council Representative. seconded by Mr. Willey.

Mrs. Bobulsky nominated **Victor Bull** for the vacant Ward 5 Council Seat. seconded by Mrs. Uffman-Kirsch.

Mrs. Uffman-Kirsch nominated **Jim Jacobs** to fill the vacancy of the Ward 5 Council Seat. seconded by Mrs. Bobulsky.

Mr. Stefanik asked the Law Director if one person can nominate more than one candidate.

Mr. O'Donnell said that in terms of a nomination, it is not a vote in favor of the person and Roberts Rules of Order states you don't even need a second to the nomination, but this is typically how Council has proceeded in the past. The second is not necessarily distinctive.

Mrs. Haller stated that a second is not an endorsement.

Mr. Stefanik asked if there were any further nominations.

No further nominations were put forth.

Moved by Mr. Gentile, seconded by Mr. Willey to **close nominations for the position of Ward 5 Council Representative**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None**. **Motion carried**.

Moved by Mr. Gentile, seconded by Mr. Willey to **appoint Larry Antoskiewicz to fill the unexpired term of Robin Zaccardelli as Ward 5 Council Representative**. Roll Call: Yeas: **Four** (Stefanik, Gentile, Willey, McKee). Nays: **Two** (Bobulsky, Uffman-Kirsch). **Motion carried**.

Mr. O'Donnell confirmed that since Mr. Antoskiewicz has received a majority vote, there was no further need to continue with the other nominations.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Gentile to **adjourn the July 5, 2006, City Council Meeting**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Uffman-Kirsch). Nays: **None**. **Motion carried**.

Meeting adjourned at 8:57 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

7/5/2006

Edward F. Miller
10613 Tudor Circle
North Royalton, Ohio 44133

RECEIVED

June 28, 2006

JUN 28 2006

Mayor Cathy Luks and Finance Director
Robert A. Stefanik, President of Council
And Members of Council
City of North Royalton
13834 Ridge Rd.
North Royalton, Ohio 44133-4853

COUNCIL OFFICE
CITY OF NORTH ROYALTON

Subject: City Income Tax Ballot Issue for November 2006

Members of North Royalton City Government:

City government has failed to identify and economically justify the amount of additional revenue needed to run this city. There has been criticism of a tax plan that proposed a \$2.5 million per year income tax increase. Specific comments were made about additional funding needed for roads and sewers, but there has not been economic justification since February 2006 either in writing or in any public discussion of an alternate total amount needed, together with the individual amounts to be designated for specific purposes. Instead, at the last Finance Committee meeting (June 26) support seemed to weakly coalesce around a plan to raise \$3.1 million per year via a 2% income tax rate, with up to a 1.25% credit given. This is the same scenario that was defeated by the voters in November 2005, and the same overall scenario that failed to achieve Council support in February 2006.

The taxation plan that is gathering support suffers from the same drawbacks as the previous ballot issue:

- It presents too large a tax rate increase – a step up to 2% from 1%.
- It does not use the entire city income tax base to fund the needed increase. (A tax rate increase of about 0.36% applied to the entire income tax base would raise \$3.1 million.) Consequently, the tax rate increase is about three times too large.
- The tax increase is not equitable with respect to the taxes paid to North Royalton. Some residents would have their North Royalton taxes doubled, while others would pay nothing more. An equitable North Royalton tax increase would fall equally upon all who are subject to the North Royalton city income tax.

7/5/2006

The city government appears to be unwilling to offer the voters a **new choice** that is likely to pass. Instead, it appears that momentum is building for a previously rejected plan.

Instead of a same old, same old tax plan, the city government needs to offer the voters a **new choice** with:

- The smallest possible tax rate increase uniformly applied to the entire tax base, (say, about 0.36% to raise about \$3.1 million per year).
- An equitable tax revenue increase where the increase is generated by an equal tax rate increase on all the North Royalton city income tax payers, (0.36% increase needed).

I urge the city government to give the voters a **new choice**, different from the past defeats, and to achieve our common objective of adequately funding the essential city services and the necessary infrastructure maintenance and improvement projects.

Edward F. Miller

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Distribution:

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Karen Fegan, Finance Director

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Laura Haller, Director of Legislative Services

Please read into record at next Council meeting. EFM