

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **October 17, 2006, at 7:30 p.m.**

PRESENT: President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Kurt McKee, Larry Antoskiewicz Lisa Uffman-Kirsch; Legislative Services Director Laura Haller, Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Fire Chief Michael Fabish, Service Director Skip Mayer, Wastewater Supt. Charles Johnson, Building Commissioner Rito Alvarez, Economic Development Director Michael Kosdrosky, Office on Aging Director Debbie Duffy.

Agenda reviewed.

Mrs. Haller announced that 06-64 was unanimously recommended for defeat at the Building & Building Codes Committee Meeting held last evening, and as a result, Mayor Luks has withdrawn her sponsorship.

Mr. Merdes reviewed his memo of October 16, 2006, regarding the Ridge Road Sanitary Sewer Extension project.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **October 17, 2006, to conduct a Public Hearing.** The hearing was called to order at 8:00 p.m. by President of Council Robert A. Stefanik.

PRESENT: Council: President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Kurt McKee, Larry Antoskiewicz, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller.

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Service Director Skip Mayer, Fire Chief Michael Fabish, Office on Aging Director Debbie Duffy, Wastewater Supt. Charles Johnson, Community Development Director Mike Kosdrosky, Recreation Director Ed Swim.

ABSENT: Finance Director Karen Fegan, Police Chief Paul Bican.

PUBLIC HEARING

ORDINANCE 06-112

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTION 1284.04 MEASUREMENT STANDARDS, SECTION 1284.05 DESIGN STANDARDS, SECTION 1284.06 ILLUMINATION, SECTION 1284.13 PERMITS, AND SECTION 1284.17 PROHIBITED SIGNS, AND REPEALING SECTION 1284.18 BANNERS/PENNANTS IN LOCAL AND GENERAL BUSINESS DISTRICTS; PERMIT; FEE, AND DECLARING AN EMERGENCY. Title read.

Notice of this Public Hearing was posted and published as required.

No one in the audience wished to be heard on Ordinance 06-112.

Moved by Mr. Willey, seconded by Mr. Gentile **to refer Ordinance 06-112 to the regular order of business.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

ADJOURNMENT

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

Public Hearing adjourned at 8:01 p.m.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **October 17, 2006, in regular session**. The meeting was called to order at 8:01 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, Larry Antoskiewicz, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller.

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Building Commissioner Rito Alvarez, Service Director Skip Mayer, Fire Chief Michael Fabish, Office on Aging Director Debbie Duffy, Wastewater Supt. Charles Johnson, Community Development Director Mike Kosdrosky, Recreation Director Ed Swim.

ABSENT: Finance Director Karen Fegan, Police Chief Paul Bican.

CONSENT AGENDA

- a. Approval of minutes: October 3, 2006
- b. 90-day extension sketch plan approval. Rivers Edge Subdivision, Bennett Road.
- c. 90-day extension sign approval. New Gum Do, 5755 Royalton Road.
- d. Legislation:

RESOLUTION 06-140

Introduced by: McKee, Stefanik, Willey. **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 06-141

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch, Mayor Luks. **A RESOLUTION COMMENDING RALUCA PAULESC FOR OUTSTANDING COMMUNITY SERVICE.** Title read.

RESOLUTION 06-142

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch, Mayor Luks. **A RESOLUTION COMMENDING JAMES K. GROSS FOR OUTSTANDING COMMUNITY SERVICE.** Title read.

RESOLUTION 06-143

Introduced by: Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch, Mayor Luks. **A RESOLUTION COMMENDING MICHAEL MALONEY FOR OUTSTANDING COMMUNITY SERVICE.** Title read.

ORDINANCE 06-144

Introduced by: Bobulsky, Gentile, Willey. **AN ORDINANCE ACCEPTING THE BID OF CARGILL INC., SALT DIVISION, FOR ROAD SALT WITH AN OPTIONAL SECOND YEAR RENEWAL, 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. Gentile 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, Antoskiewicz, 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, Antoskiewicz, Uffman-Kirsch). Nays: **None.** **Motion carried.**

MAYOR'S REPORT

Mayor Luks provided an update on the FEMA Disaster Relief Program and the status of the purchase of homes damaged as a result of the 2004 flood. Regarding the June 22, 2006, flood event, the city has submitted the Pamela/Parkdale project for predistaster mitigation. This preapplication is pending and OEMA has said that this project will be presented for determination as to whether it will go on for a formal application.

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.**

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: No discussion.

LEGISLATION**THIRD READING CONSIDERATION**

No Action: 05-183, 05-187, 06-89, 06-107, 06-111, 06-112, 06-114.

Mr. Stefanik announced that sponsorship has been withdrawn from Ordinance 06-64.

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.

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Willey to **adopt Ordinance 06-45.**

Mrs. Uffman-Kirsch read a statement into the record, a copy of which is attached to these minutes.

Roll Call: Yeas: **One** (Uffman-Kirsch). Nays: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). **Motion defeated.**

FIRST READING CONSIDERATION (06-140 through 06-144 were adopted under the approval of the Consent Agenda.)

RESOLUTION 06-145

Introduced by: Bobulsky, Uffman-Kirsch, Mayor Luks. **A RESOLUTION AUTHORIZING THE MAYOR SUBMIT AN APPLICATION TO THE STATE OF OHIO AND TO ENTER AND EXECUTE AN AGREEMENT WITH THE STATE OF OHIO AND/OR FEMA FOR FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT (PUBLIC LAW 288, 23RD CONGRESS), 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, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 06-145.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

ORDINANCE 06-146

Introduced by: McKee, Stefanik, Willey. **AN ORDINANCE AUTHORIZING THE PAYMENT OF A MORAL CLAIM TO BRIAN AND KRISTE SMITH OF THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$425.00, 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 Wastewater Maintenance Fund 52.

Moved by Mr. Willey, seconded by Mr. McKee to **suspend the rules requiring 3 readings and referral to committee.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. McKee, seconded by Mr. Willey to **adopt Ordinance 06-146.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

MISCELLANEOUS

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

Mayor Luks addressed Mr. Miller's comments. Regarding his assertion that the increase from 1% to 2% is too big, Mayor Luks said that increase of 1% to 2% with the corresponding credit will raise \$3.1 million additional dollars for the city. We have been able to demonstrate need based on all the roads we have that are categorized as beyond their useful life, based on the flooding problems that we have solutions to but cannot fund, and based on the fact that over \$1 million was already cut from our budget. We are struggling just to provide basic city services. A city our size cannot function on a 1% income tax and there is no other city our size in the county that does.

When Mr. Miller says that this tax will raise \$8.7 million it is misleading to say the least. We will not collect \$8.7 million, we will collect \$3.1 million because of the credit.

When Mr. Miller raises the issue that it is unfair to our residents, Mayor Luks said that many residents would disagree with him. Residents who work in Parma currently pay 2.5%, residents that work in Parma Heights are paying 3.75%, while the residents who live and work in North Royalton pay only 1%. Mayor Luks said that 67 cents out of every dollar that will be generated from this additional tax will be paid by people that work in North Royalton but live in another city. The residents who live in our city and work outside of our city have been paying a great deal more for a long time. There is an equity issue here. No one should pay 3.75% while their neighbor pays 1%. If we do not pass this tax issue this year, our budget process next year will be even more painful that it was this year. We are at a point where there is nothing left to cut but people and programs. So when Mr. Miller makes the case that in 2007 this Council could put a rational tax package on the ballot, she wants him to know that it will take at least 3 or more years for this city to recover from the damage that will be done if this fiscal crisis continues. It will deteriorate our property values, our ability to move forward in economic development, and our ability to continue to make progress in this city.

Chris Newman spoke on behalf of her parents **John & Berta Weber 8382 Parkdale Drive**, regarding a plan of correction for flooding on Pamela/Parkdale and the new sanitary sewer connections on Ridge Road.

Wastewater Supt. Charles Johnson addressed the new sanitary sewer line concerns. He said these sewers will be inspected for cross connections, and its contribution to the Pamela/Parkdale systems should be negligible. Mr. Johnson said that they tested the area during the summer and the problems appear to be infiltration coming in from the area into the sanitary sewer and this is where we need to concentrate our efforts. Testing has shown that flows increase as much as 1,000% in this area during a rain storm, meaning that there are cracks in the piping and these areas need to be addressed. Mr. Johnson said that the Wastewater Department has started a new program for identifying inflow and infiltration into these areas and we are looking at all problem areas including Pamela/Parkdale. Mr. Johnson said that he has no problem coming in and running a camera during a rain storm to ensure that there is no contribution to the problem by the public mains. Mr. Johnson said that as time warrants his department would be glad to give more priority to these streets and perform individual dye testing of homes. It's a long, slow arduous process and could entail repairs by the city and/or the private property owner.

EXECUTIVE SESSION

Moved by Mr. Gentile, seconded by Mr. Willey 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, Antoskiewicz, Uffman-Kirsch). Nays: **None**. **Motion carried.**

Council meeting recessed at 8:25.

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, Larry Antoskiewicz, Lisa Uffman-Kirsch; Legislative Services Director Laura Haller, Law Director Thomas O'Donnell.

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

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

Executive Session adjourned at 8:55 p.m.

Moved by Mr. Gentile, seconded by Mr. Willey to **reconvene the October 17, 2006, City Council Meeting**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None**. **Motion carried.**

Council meeting reconvened at 8:56 p.m.

There was no further business pending before Council.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Gentile to **adjourn the October 17, 2006, City Council Meeting**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None**. **Motion carried.**

Meeting adjourned at 8:56 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____