

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **November 21, 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, Police Chief Paul Bican, Service Director Skip Mayer, Wastewater Supt. Charles Johnson, Economic Development Director Michael Kosdrosky, Finance Director Karen Fegan, Office on Aging Director Debbie Duffy.

Agenda reviewed.

Mr. Johnson explained to Council the need for an emergency purchase of a pump for the influent wet well at Wastewater Treatment Plant A. Authorization to seek a proposal for this purchase will be requested during the regular order of business of tonight's meeting.

Mrs. Bobulsky announced that she would like to hold a Special Streets Committee meeting to discuss the 2007 road repair program. This led to a lengthy discussion regarding a joint Streets/Finance Committee meeting. It was decided to hold this joint meeting on Monday, December 4, 2006 at 5:30 p.m., with Mrs. Bobulsky chairing the meeting.

Law Director Thomas O'Donnell recommended amending Ordinance 06-111 by replacing the Local Business zoning classification with Senior Citizen District zoning classification. This can be done without sending this back to the Planning Commission and would require a 2/3 majority vote. This amendment would address any concerns over the need for this legislation to be submitted to the voters. It was agreed to amend the legislation this evening, but to take no action on the adoption of the legislation at this time.

Mayor Luks announced that she is withdrawing her sponsorship to proposed Ordinance 06-154.

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

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, City Engineer Clark Merdes, Service Director Skip Mayer, Fire Chief Michael Fabish, Wastewater Supt. Charles Johnson, Community Development Director Mike Kosdrosky, Police Chief Paul Bican, Office on Aging Director Debbie Duffy, Finance Director Karen Fegan.

ABSENT: Building Commissioner Rito Alvarez, Recreation Director Ed Swim.

CONSENT AGENDA

- a. Approval of minutes: November 8, 2006
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a new C1 and C2 permit for Vital Choice Health Store, 9243 Sprague Road.
- c. 90-day extension Columbia Gas to install plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way.
- d. 90-day extension Columbia Gas to install plastic distribution main on Bentley Drive and Coventry Court.
- e. 90-day extension ManorCare Health Services, Inc.; Rainbow Lane. Lot split/consolidation approval.
- f. 90-day extension ManorCare Health Services, Inc.; Rainbow Lane. Parking lot improvements approval.
- g. Legislation:

ORDINANCE 06-152

AN ORDINANCE ACCEPTING A PARKING EASEMENT FROM THE CUYAHOGA COUNTY LIBRARY NORTH ROYALTON BRANCH, PPN 487-06-019, 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. Gentile, seconded by Mr. Willey 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

Chris Bunch of the Western Reserve Land Conservancy addressed Council regarding the Chippewa Creek Watershed Grant. He stated that the grant application submitted on behalf of the city was not successful. Our project ranked 6th and only the top 4 were funded. However, there were a few extensions granted to projects from previous sessions which will expire on January 31, 2007. If those projects are not successfully completed, some money will come back to the local Clean Ohio District for redistribution. There is the potential for approximately \$230,000 to come back and could conceivably go to the Chippewa Creek acquisition. However this is not within the time frame of the city's agreement with the school district which runs through the end of December.

DEPARTMENT HEAD REPORTS

Wastewater Supt. Charles Johnson requested Council's emergency authorization for the Wastewater Dept. to enter into contracts without formal bidding for the purpose of installing an emergency back up pumping system for the influent wet well at Wastewater Treatment Plant A. Mr. Johnson explained that the existing pumps that are operating in the plant currently are operating under risky conditions due to damage incurred during the September flooding. Because of the long lead time needed for repairs and because this is a recurring condition that occurs with the heavy storms we have, we need a system to protect us in case these pumps fail. He said that we will be installing a pump of the same size as the existing pumps to be used only in case of failure or if we exceed the flow conditions within the wet well. We would like to expedite this before the spring rains come, and any purchasing or contracting would be done with prevailing wages.

Law Director Thomas O'Donnell said that Section 735.051 of the Ohio Revised Code provides that in the case of a real and present emergency arising in connection with the operation and maintenance of the Department of Public Service, which includes municipally owned utilities, Council may by 2/3 vote of all members elected authorize the director to enter into a contract for work to be done or the purchase of supplies without formal bidding and advertising. What we are doing tonight procedurally is asking Council for the authority to proceed. There is no contract at this time. This process will take several months to get underway, but the time needed to bid the project would put us beyond the spring storms. It is sufficiently critical that the department needs to move quickly to identify the type of contractor and do some specifications now. If and when a contract is negotiated, the contract will be put in front of Council in the ordinary course, but we need to move toward that step now without going through the formal bidding process.

Moved by Mr. Gentile, seconded by Mrs. Uffman-Kirsch to **authorize the Mayor and Wastewater Supt. to proceed as an emergency to obtain the necessary estimates and contracts without formal bidding and advertising for the installation of an emergency back up pumping system for the influent wet well at Wastewater Treatment Plant A.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None.** **Motion carried.**

Community Development Director Michael Kosdrosky provided an update on the following departmental projects: the Transportation Pedestrian Linkages Study, the Chippewa Creek Reserve application, Ballot Issue 114, an incentive offer made to Symbal Tool and Die for a 10,000+ square foot manufacturing facility in Phase 2 of the Industrial Park, and the Home Enhancement Loan Program.

PRESIDENT OF COUNCIL'S REPORT

Moved by Mr. Willey, seconded by Mr. Gentile to **recess all Council Committee meetings for the month of December except for special meetings.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, 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.**

- Special joint meeting of the Streets/Finance Committee – December 4, 2006, 5:30 p.m.

PUBLIC DISCUSSION: No discussion.

LEGISLATION

THIRD READING CONSIDERATION

No Action: 06-107.

ORDINANCE 05-187

AN ORDINANCE CREATING AN INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A COMPENSATION AGREEMENT WITH THE NORTH ROYALTON CITY SCHOOL DISTRICT AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **suspend Council Rule 19 to allow Ordinance 05-187 to remain on Council's agenda past the one year limit and until such time as legal counsel advises that this legislation is ready for adoption.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

ORDINANCE 06-111

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 488-08-003 FROM ITS PRESENT RESIDENTIAL (R1A) ZONING CLASSIFICATION TO LOCAL BUSINESS (LB) ZONING CLASSIFICATION AS REQUESTED BY PROPERTY OWNER 138 DTS PROPERTIES, LLC, AND DECLARING AN EMERGENCY. Title read.

The Legislative Services Director read the following proposed amendments;

- Replace "Local Business (LB)" with Senior Citizen District (SCD) throughout the legislation.

Moved by Mr. Willey, seconded by Mr. Gentile to **amend Ordinance 06-111 as read.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** (*Ordinance 06-111 will remain on third reading.*)

SECOND READING CONSIDERATION

ORDINANCE 06-149

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, 06-90, 06-94 AND 06-130 BY MAKING ADDITIONAL APPROPRIATIONS, 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, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 06-149.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

ORDINANCE 06-150

Introduced by: Willey, McKee, Uffman-Kirsch, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, SECTION 1286 NONCONFORMING USES, SECTION 1286.06 EXTENSION PROHIBITED, PARAGRAPH (a), AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading.**

ORDINANCE 06-151

Introduced by: Willey, McKee, Uffman-Kirsch, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1290 WIRELESS TELECOMMUNICATIONS FACILITIES, SECTIONS 1290.03 AND 1290.04, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading.**

FIRST READING CONSIDERATION

(Ordinance 06-152 was adopted under the approval of the Consent Agenda.)

ORDINANCE 06-153

Introduced by: Mayor Luks. **AN ORDINANCE MAKING TEMPORARY APPROPRIATIONS FOR THE FIRST QUARTER OF THE YEAR 2007 FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY.** Title read.

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

Mr. Stefanik announced that **sponsorship to Ordinance 06-154 has been withdrawn.**

ADJOURNMENT

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

Meeting adjourned at 8:24 p.m.

APPROVED: _____ DATE APPROVED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES