

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **April 3, 2007, 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, Law Director Thomas O'Donnell, Finance Director Karen Fegan, Building Commissioner Rito Alvarez, Wastewater Supt. Charles Johnson, City Engineer Clark Merdes, Police Chief Paul Bican, Fire Chief Michael Fabish, Office on Aging Director Debbie Duffy, Recreation Director Ed Swim.

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **April 3, 2007**, 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 Luks, Law Director Thomas O'Donnell, Finance Director Karen Fegan, Community Development Director Michael Kosdrosky, Building Commissioner Rito Alvarez, Wastewater Supt. Charles Johnson, City Engineer Clark Merdes, Police Chief Paul Bican, Fire Chief Michael Fabish, Office on Aging Director Debbie Duffy, Recreation Director Ed Swim.

ABSENT: Service Director Skip Mayer.

CONSENT AGENDA: No items on Consent Agenda.

COMMUNICATIONS: None.

MAYOR'S REPORT:

Mayor Luks provided an update on the Hazard Mitigation Grant program. The FEMA award for the three homes on Abbey Road and one home on Akins Road has progressed to the point where the appraisals have been completed and sent to Columbus for approval. The next step would then be to offer the purchase prices to the property owners based on the approved appraisal amount. The two homes on Edgerton Road were recently approved by FEMA and appointments have been made to complete the appraisals. There is legislation on this evening's agenda regarding the two homes on Edgerton Road.

DEPARTMENT HEAD REPORTS: No Reports.

PRESIDENT OF COUNCIL'S REPORT:

Moved by Mr. Gentile, seconded by Mr. Willey to **suspend the rule requiring 24 hour advance posting of legislation in Council Chambers and add Ordinance 07-44 to the agenda.** 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 of Council or committee meetings are noted below.**

Building & Building Codes Committee – rescheduled from April 16, 2007, 7:30 p.m. to April 19, 2007, 7:30 p.m.

Finance Committee – rescheduled from April 16, 2007, 6:30 p.m. to April 19, 2007, 6:30 p.m.

Recreation Board – rescheduled from April 24, 2007, 5:30 p.m. to April 30, 2007, 5:30 p.m.

PUBLIC DISCUSSION: No one requested to speak.

LEGISLATION

THIRD READING CONSIDERATION: No Action: 05-187, 06-151, 07-10, 07-25.

ORDINANCE 07-29

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 XII, AND DECLARING AN EMERGENCY. Title read.

The Director of Legislative Services read the following amendments to Section 1 of Ordinance 07-29 as proposed by Mrs. Haller and approved by the Rules & Ordinances Committee: (proposed amendments shown in shaded text):

Rule XII - Minutes of Committees. ~~A recording secretary assigned by the Council Office shall attend all Council committee meetings for the purpose of taking minutes.~~ All committee meetings are required to be audio taped as outlined in Section 212.03 of these Codified Ordinances.

~~Said Minutes shall be prepared from the audio tapes by the Council Office recording secretary in a timely fashion. The minutes shall be full and accurate. They shall state sufficient facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions.~~ **The Recording secretary shall forward minutes to the Director of Legislative Services. The Director or his/her designee shall review them and make any formatting adjustments as necessary and The Council Office shall then forward the minutes to the Committee Chair for review and approval. The Committee Chair will then advise the Council Office of any changes that need to be made or if the minutes are ready to be distributed as received. The Council Office will make changes/corrections as requested by the Committee Chair, if any, and shall distribute the minutes to all of Council, the Mayor and all Department Heads. Said minutes shall bear a legend at the beginning of the document that states that such minutes are in draft form and are "UNOFFICIAL" until approved by the Committee. Said draft of the minutes shall also be posted on the City's official website.**

Any documents produced at the committee meeting that are to be incorporated as part of the minutes shall be provided to all members of the committee ~~and the recording secretary~~ before the close of the meeting and shall be referred with the ~~audio tape draft of the minutes~~ to the Council Office. Said attachments shall be included in the copies distributed by the Council Office ~~as provided above~~. The procedure for the distribution and placement on the website of these minutes shall be established by the Director of Legislative Services, with the approval of the President of Council.

No later than ~~one week~~ **three days** prior to the next regularly scheduled committee meeting, Council members, the Mayor, and/or Department Heads in attendance at the committee meeting shall submit any proposed changes or amendments to the ~~draft of the~~ minutes in writing to the Chair and Council Office. Said amendment proposals shall be discussed in public at the next regularly scheduled committee meeting after motion to approve the minutes, properly seconded followed by discussion of the Committee members. A majority vote of the committee members is necessary to approve the minutes or any amendments thereto. ~~Any amendments approved by the Committee shall be incorporated into the official, approved minutes which shall then be redistributed to all of Council, the Mayor, all Department Heads and reposted on the City's official website.~~

Each committee shall have the right and privilege of initiating discussion and study of any subject or matter such committee deems a proper subject of consideration within the province of the committee.

Moved by Mr. Willey, seconded by Mr. Antoskiewicz **to amend Ordinance 07-29 as read.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

The Director of Legislative Services read the following amendments to Section 1 of Ordinance 07-29 as proposed by Mr. O'Donnell and approved by the Rules & Ordinances Committee (proposed amendments shown in shaded text):

~~*The minutes shall be full and accurate. They shall state sufficient facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions.*~~ The minutes shall accurately summarize sufficient facts and information to permit the public to understand the rationale behind the actions or decisions of the committee.

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to amend Ordinance 07-29 as read. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz.). Nays: **One** (Uffman-Kirsch). **Motion carried.**

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to adopt Ordinance 07-29 as amended. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None.** **Motion carried.**

SECOND READING CONSIDERATION

ORDINANCE 07-32

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR AVIS RENT A CAR SYSTEMS, INC., FOR THE PURPOSE OF OPERATING A CAR RENTAL OFFICE AT 13517 WEST 130TH STREET, LOCAL BUSINESS ZONING, PROPERTY OWNER MSM REAL ESTATE MANAGEMENT CO., 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.**

The Director of Legislative Services read the following amendments to 07-29 as proposed by Mr. O'Donnell and approved by the Rules & Ordinances Committee:

Section 1. Council hereby approves the application of Avis Rent A Car Systems, Inc. for a Conditional Use Permit for the purpose of operating a car rental office at 13517 West 130th Street, Local Business zoning, property owner MSM Real Estate Management Co. with the following conditions as recommended by the Planning Commission: That this permit is for Avis Rent A Car only; the Conditional Use Permit will run concurrent with the lease agreement starting from the day the lease is signed and ending with the termination of the lease; that ***a limited parking area shall be marked off with bollards or designated in some other way such as painting on the pavement or painting on curb markers that will expressly designate a specific area for the limited number of rental vehicles that Avis Rent-A-Car will be parking in the parking lot of the subject property; that such designated area shall be located in the parking lot closest to West 130th Street and is subject to the approval of the landlord and subject to periodic review by the Building Commissioner; and such number of rental vehicles shall not be excessive to the point that it restricts access to parking by other tenants or their customers or church members.*** ~~an area be designated that will be strictly for the number of cars that are going to be parked at the site.~~

Moved by Mrs. Uffman-Kirsch, seconded by Mr. Gentile to amend Ordinance 07-32 as read. 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 07-32 as amended. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None.** **Motion carried.**

FIRST READING CONSIDERATION

RESOLUTION 07-39

Introduced by: Mayor Luks. **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER AND EXECUTE AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF PUBLIC SAFETY, OHIO EMERGENCY MANAGEMENT AGENCY AND/OR FEMA FOR FINANCIAL ASSISTANCE UNDER THE HAZARD MITIGATION GRANT PROGRAM (HMGP), AND DECLARING AN EMERGENCY.** Title read.

Moved by Mrs. Uffman-Kirsch, 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 Mrs. Uffman-Kirsch, seconded by Mr. Gentile to **adopt Resolution 07-39**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried**.

ORDINANCE 07-40

Introduced by: McKee. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE NO. 07-24 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007, BY TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY**. Title read.

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

ORDINANCE 07-41

Introduced by: Stefanik. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1060 GARBAGE AND RUBBISH COLLECTION AND DISPOSAL, SECTION 1060.07 HOURS OF COLLECTION AND TRANSPORTATION, 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. McKee, seconded by Mr. Willey to **adopt Ordinance 07-41**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried**.

ORDINANCE 07-42

Introduced by: Mayor Luks. **AN ORDINANCE ACCEPTING THE PROPOSAL OF STEPHEN HOVANCSEK AND ASSOCIATES FOR PROFESSIONAL SURVEYING AND ENGINEERING SERVICES FOR THE CADY ROAD ROADSIDE DITCH IMPROVEMENT PROJECT IN THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$20,900, 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 Storm Sewer Drainage Fund #33.

Moved by Mrs. Uffman-Kirsch, 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. Gentile to **adopt Ordinance 07-42**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried**.

ORDINANCE 07-43

Introduced by: Mayor Luks. **AN ORDINANCE ACCEPTING THE PROPOSAL OF STEPHEN HOVANCSEK AND ASSOCIATES FOR PROFESSIONAL SURVEYING AND ENGINEERING SERVICES FOR THE CEDAR ESTATES STORM SEWER IMPROVEMENT PROJECT IN THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$90,000, 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 Storm Sewer Drainage Fund #33.

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. Gentile to **adopt Ordinance 07-43**. Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried**.

ORDINANCE 07-44

Introduced by: Bobulsky, Gentile, Willey, Stefanik. **AN ORDINANCE ACCEPTING THE PROPOSAL OF SPECIALIZED CONSTRUCTION INC. FOR THE CONSTRUCTION OF THE WALLINGS ROAD REHABILITATION PROJECT IN THE CITY OF NORTH ROYALTON IN THE AMOUNT OF \$1,066,658.75 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 SCM&R Fund #11.

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. Gentile to **adopt Ordinance 07-44.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

ADJOURNMENT

Moved by Mr. Gentile, seconded by Mr. Antoskiewicz **to adjourn the April 3, 2007, City Council Meeting.** Roll Call: Yeas: **Seven** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz, Uffman-Kirsch). Nays: **None. Motion carried.**

Meeting adjourned at 8:15 p.m.

APPROVED: _____ DATE APPROVED: ____/____/____
PRESIDENT OF COUNCIL

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES