

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **July 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, Legislative Services Director Laura Haller, Mayor Cathy Luks, Law Director Thomas O'Donnell, Building Commissioner Rito Alvarez, Deputy City Engineer Don Ramm, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Skip Mayer.

Agenda reviewed.

Mr. Stefanik had requested an Executive Session immediately following the regular order of business for the purpose of discussing the purchase of property for public purpose. Mr. Stefanik said that he had requested that the Mayor, Law Director, and Recreation Director attend this Executive Session, but was informed by the Legislative Services Director that the Recreation Director will not be attending the Council Meeting this evening, and that the Mayor sent her an email advising that she is not yet ready to discuss with Council the purchase of property for recreation purposes. The Law Director said he would attend the Executive Session.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **July 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; Legislative Services Director Laura Haller.

ABSENT: Lisa Uffman-Kirsch.

Moved by Mrs. Bobulsky seconded by Mr. McKee **to excuse Mrs. Uffman-Kirsch.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.**

Administration: Mayor Cathy Luks, Law Director Thomas O'Donnell, Building Commissioner Rito Alvarez, Deputy City Engineer Don Ramm, Police Chief Paul Bican, Fire Chief Michael Fabish, Wastewater Supt. Charles Johnson, Service Director Skip Mayer.

ABSENT: Finance Director Karen Fegan, Recreation Director Ed Swim, City Engineer Clark Merdes, Community Development Director Michael Kosdrosky, Office on Aging Director Debbie Duffy.

CONSENT AGENDA:

- a. Approval of minutes: June 19, 2007
- b. Authorize the recess of all City Council and Council Committee meetings for the month of August.
- c. Legislation: **RESOLUTION 07-74**

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

RESOLUTION 07-75

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

ORDINANCE 07-76

Introduced by: Mayor Luks. **AN ORDINANCE PROVIDING FOR THE COMPOSITION OF THE TAX INCENTIVE REVIEW COUNCIL ESTABLISHED PURSUANT TO THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, CHAPTER 884, ENTERPRISE ZONE GUIDELINES, SECTION 884.12, TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 07-77

Introduced by: Mayor Luks. **AN ORDINANCE PROVIDING FOR THE COMPOSITION OF THE ENTERPRISE ZONE PROGRAM COMMITTEE ESTABLISHED PURSUANT TO ENTERPRISE ZONE GUIDELINES AND ORDINANCE, AND DECLARING AN EMERGENCY.** Title read.

- No one on Council wished to remove an item from the Consent Agenda.
- No one in the audience requested to remove a legislative item from the Consent Agenda.

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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile to **approve the Consent Agenda as presented and read.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.**

COMMUNICATIONS: None.

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL'S REPORT:

Mr. Stefanik announced that the Ward 1 Resident Meeting will be held at City Hall on Tuesday, July 10, 2007 at 7:00 p.m.

Moved by Mr. Willey, seconded by Mr. Gentile to **hold an Executive Session immediately following the regular order of business for the purpose of discussing the purchase of property for public purpose.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: 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 of Council or committee meetings are noted below.**

PUBLIC DISCUSSION: No requests to speak.

LEGISLATION

THIRD READING CONSIDERATION: No Action: 05-187, 07-10, 07-57, 07-65.

ORDINANCE 07-40

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.

Moved by Mr. Gentile, seconded by Mr. Willey to **amend Ordinance 07-40 by replacing the original Exhibit A with a new Exhibit A as approved by the Finance Committee on May 23, 2007, and again on June 25, 2007.**

Mrs. Bobulsky said that this Ordinance was brought back into committee for continued discussion and there were still some unanswered questions. She asked the Service Director if he has any concerns with the proposed amendment and this pending Ordinance.

Mr. Mayer said that the FEMA project that was supposed to be concluded next year now has to be completed by December 2007. This means \$100,000 is needed to finish this project. He said fuel is also a problem. He is running low in his budget and will need more money.

Mrs. Bobulsky asked the Mayor if moving this \$40,000 can be compared to a similar appropriation of monies that occurred several months ago that was taken from the Fire Department and moved to the Service Department and was then moved back because it was discovered that it should have in fact remained there from the beginning.

Mayor Luks said she would consider this to be a similar situation. The situation with the Fire Department was that we were concerned that we would not have enough money in payroll to finish the year when Council decided to move some of it. As it turned out, as much as we tried to live within the budgeted amount, we did not have enough to make payroll for the end of the year. Because she was concerned, she let the money sit in the line item it was moved to in case we needed to move it back, which in fact we did. Mayor Luks said in this case we are at 75% of our fuel budget in streets reconstruction, and it's only July. If you review the budget summary recently distributed, you will be able to see why we are concerned about fuel with the cost being higher than anticipated and not knowing how long this will continue.

Mayor Luks said that regarding the catch basin repairs, this is a FEMA program where we have expended a lot of money and labor repairing catch basins since the 2004 flood. This is a 2004 flood grant whereby FEMA will reimburse us 75% of what we expend in repairing the catch basins. If we fail to complete them, we lose this reimbursement. In order to make these repairs and complete this by year end we need to come up with another \$100,000 that we can't find. She said that she is very concerned about moving this money until she is certain that we are ok on these other issues.

Mr. Willey said that the Police Department is right on budget with their fuel and they drive the same routes day in and day out. He asked the Service Director what contributed to the Service Department being at 75% of their budget at mid-year.

Mr. Mayer said that part of it is due to the late storms we had in the spring, as well as the rising cost of the fuel. In addition, we have added more employees and equipment.

Mr. Willey said the fact that we have \$225,000 in unexpected estate tax revenues would offset the \$40,000 and hopefully the \$100,000. Mr. Willey said there was also an increase in the city income tax and a portion of this tax is devoted to roads and stormwater. Mr. Willey said we examined all these issues at the last Finance meeting.

Mr. McKee said to follow up on what Mr. Willey was saying in 2007, we projected \$200,000 in estate taxes. We have received \$400,000 to date meaning we have received \$200,000 more than we had budgeted. He said that this is plenty to cover fuel and other items. Also, this \$40,000 is coming from employees who were budgeted to be hired by a certain date but were not hired until later. This resulted in \$50,000 and we only took \$40,000 leaving \$10,000 for fuel and other items. Mr. McKee said that he feels this is the right thing to do. This problem stems back to 2002-2003 and has not been corrected. This is a good start and will fix at least a third of the project. These residents deserve this, we clearly have enough money and he will be voting yes on this.

Mrs. Bobulsky said she has no issues with repairing roads and thinks it would be great if we could repair every road in the city that needs repair. She has driven down Rustic Drive and she does not find it to be in the state of disrepair compared to other streets, such as Oak Knoll Court which has been discussed in the Finance and Streets Committees. She said that if you drive down Glenwillow Drive or Lynn Drive, those streets are far worse than Rustic Drive. She feels we are again making an illogical movement of money when we have both the Finance Director and the Service Director stating concerns regarding rising fuel costs. She will be voting no.

Mayor Luks said that the Finance Director is aware of how the revenue is coming in and is still very concerned. Other things need to be considered as well, in particular the Police Department's telephone system. It has been routinely crashing for the past year and the last time we weren't even sure we would be able to get it operational again. We are desperately in need of replacing this system. It impacts safety and security in the city, and the 911 system. As we have been exploring various options on replacing this system, it is coming in higher than anticipated and we are going to have to figure out how to fund this. It is not something that we can avoid or put off any longer. As Mrs. Bobulsky said, there are many roads that need repair; Oak Knoll Court is in far worse condition than Rustic Drive and those residents would like to see their road repaired as well. Unfortunately, we cannot fix all of the roads in one year and some of it will have to wait until next year.

Mr. Antoskiewicz said that Rustic Drive was one of the streets that was on the original list of streets to be repaired back in December. When the list was pared down by the Administration, it was taken off the list. He does not remember some of the streets Mrs. Bobulsky mentioned being on that original list, but Rustic Drive was on this list and it is now being said that it does not need repair.

Roll Call: Yeas: **Five** (Stefanik, Gentile, Willey, McKee, Antoskiewicz). Nays: **One** (Bobulsky). (Absent: Uffman-Kirsch). **Motion carried.** Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 07-40 as amended.** Roll Call: Yeas: **Five** (Stefanik, Gentile, Willey, McKee, Antoskiewicz). Nays: **One** (Bobulsky). (Absent: Uffman-Kirsch). **Motion carried.**

SECOND READING CONSIDERATION

RESOLUTION 07-66

A RESOLUTION ADOPTING THE DOCUMENT CONTAINING THE ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF NORTH ROYALTON FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2008, AND SUBMITTING THE SAME TO THE AUDITOR OF CUYAHOGA COUNTY, OHIO, 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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.** Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 07-66.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.**

ORDINANCE 07-71

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 **third reading.**

ORDINANCE 07-72

AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE NO. 07-24 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007, BY TRANSFERRING AND MAKING ADDITIONAL APPROPRIATIONS, 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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.** Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **adopt Ordinance 07-72.** Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None.** (Absent: Uffman-Kirsch). **Motion carried.**

ORDINANCE 07-73

Introduced by: Bobulsky, Gentile, Willey. **AN ORDINANCE ACCEPTING THE DEDICATION OF 1,621 FEET OF MAHICAN WAY, 649 FEET OF SHAWNEE CIRCLE, AND 822 FEET OF CHIPPEWA PATH IN THE PROPOSED INDIAN TRAILS SUBDIVISION, PHASE 1 FROM WOODHILL PROPERTIES, INC., AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading.**

FIRST READING CONSIDERATION

(07-74, 07-75, 07-76 and 07-77 were adopted under the approval of the Consent Agenda)

ORDINANCE 07-78

Introduced by: Uffman-Kirsch, Stefanik, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 16 FIRE PREVENTION CODE, CHAPTER 1610 STANDARDS, SECTION 1610.02 DEFINITIONS, AND SECTION 1610.05 ENFORCEMENT; RESPONSIBILITIES OF MUNICIPAL FIRE SAFETY INSPECTOR; 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: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**. Moved by Mr. Willey, seconded by Mr. Gentile to **adopt Ordinance 07-78**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**.

ORDINANCE 07-79

Introduced by: Uffman-Kirsch, Stefanik, Bobulsky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 16 FIRE PREVENTION CODE, BY REPEALING CHAPTER 1620 OPEN BURNING AND REPLACING WITH A NEW CHAPTER 1620 ENTITLED OPEN BURNING, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **suspend the rules requiring 3 readings and referral to committee**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**. Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 07-79**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**.

ORDINANCE 07-80

Introduced by: Willey. **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR LISA STEIGER AND MYA HUYNH OF SHEAR ELEGANCE STYLING SALON, FOR THE PURPOSE OF OPERATING A HAIR SALON AT 12235 YORK ROAD, UNIT F, PPN 482-23-306, RESEARCH OFFICE ZONING, PROPERTY OWNER GREG CANIGLIA, AND DECLARING AN EMERGENCY**. Title read.

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, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**. Moved by Mr. Willey, seconded by Mr. McKee to **adopt Ordinance 07-80**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**.

MISCELLANEOUS

Moved by Mr. Willey, seconded by Mr. McKee to **recess into Executive Session to discuss the purchase of property for public purposes [ORC 121.22(G)(3)]**. Roll Call: Yeas: **Six** (Stefanik, Bobulsky, Gentile, Willey, McKee, Antoskiewicz). Nays: **None**. (Absent: Uffman-Kirsch). **Motion carried**.

Council meeting recessed into Executive Session at 8:26 p.m.

EXECUTIVE SESSION

Executive Session called to order at 8:28 p.m.

PRESENT: President of Council Robert Stefanik, Council Representatives Denise Bobulsky, Vincent Gentile, Don Willey, Kurt McKee, Larry Antoskiewicz, Legislative Services Director Laura Haller, Law Director Thomas O'Donnell.

- The purchase of property for public purposes was discussed. [ORC 121.22(G)(3)]

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

Executive Session adjourned at 8:34 p.m.

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

Council meeting reconvened at 8:34 p.m.

- There was no further business pending before Council.

ADJOURNMENT

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

Meeting adjourned at 8:35 p.m.

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

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES