

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **April 15, 2008, at 7:30 p.m.**

PRESENT: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Kurt McKee, Larry Antoskiewicz, Dan Kasaris, Legislative Services Director Laura Haller, Mayor Robert A. Stefanik, Law Director Thomas A. Kelly, Finance Director Karen Fegan, Community Development Director Thomas Jordan, City Engineer Ken Tyrpak, Building Commissioner Rito Alvarez, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Kris Kamps, Recreation Director Ed Swim, Director of Office on Aging Judith Willey.

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **April 15, 2008, in regular session.** The meeting was called to order at **8:00 p.m.** by President of Council Vince Gentile and opened with the Pledge of Allegiance.

PRESENT: Council: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Kurt McKee, Larry Antoskiewicz, Dan Kasaris, Legislative Services Director Laura Haller.

Administration: Mayor Robert A. Stefanik, Law Director Thomas A. Kelly, Finance Director Karen Fegan, City Engineer Ken Tyrpak, Community Development Director Thomas Jordan, Building Commissioner Rito Alvarez, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Kris Kamps, Recreation Director Ed Swim, Director of Office on Aging Judith Willey.

Absent: Wastewater Manager Thomas Kuehn.

CONSENT AGENDA:

- a. Approval of minutes: April 1, 2008.
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a C1, C2, and D6 stock transfer for State Royal Inc., 12671 State Road.
- c. Legislation:

RESOLUTION 08-75

Introduced by: Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris, Mayor Stefanik.
A RESOLUTION TO PETITION THE OHIO GENERAL ASSEMBLY TO PERMIT MUNICIPAL HOME RULE REGULATION OF GAS AND OIL DRILLING COMMERCE, 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. Antoskiewicz to **suspend the rules requiring three readings and referral to committee for those legislative items on the consent agenda.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None.** **Motion carried.** Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None.** **Motion carried.**

COMMUNICATIONS: None.

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL'S REPORT: No Report.

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.***

LEGISLATION

THIRD READING CONSIDERATION:

No Action: 05-187, 07-73, 07-107, 08-43.

ORDINANCE 07-102

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1492 CONTROLLING RIPARIAN SETBACKS AND WETLANDS SETBACKS, SECTION 1492.11, VARIANCES WITHIN RIPARIAN SETBACK AND WETLAND SETBACK BY AMENDING PARAGRAPH (f) AND CREATING A NEW PARAGRAPH (h), AND DECLARING AN EMERGENCY. Title read.

The Legislative Services Director read the following amendments as proposed by the Stormwater Committee:

Add Mr. Gentile and Mr. Nickell as sponsors to this legislation.

Section 1. Chapter 1492 Controlling Riparian Setbacks and Wetlands Setbacks, Section 1492.11, Variances Within Riparian Setback and Wetland Setback is hereby amended by amending paragraph (f) as follows:

- (f) In reviewing whether to grant variances, the Board of Zoning Appeals ~~may~~ **shall** consider the following:
 - (9) A parcel existing at the time of passage of this ordinance is made **substantially** unbuildable.
 - ~~(10) The degree of hardship this regulation places on the landowner, and the availability of alternatives to the proposed activity.~~
 - (11)(10) A requested above ground fence does not increase the existing area of mowed grass or lawn.
 - (12)(11) Modifying parking requirements before varying the riparian setback.
 - (13)(12) Modifying building shape, size or design to avoid or minimize intrusion into the riparian setback.
 - (14)(13) In the case of a lot made **substantially** unbuildable by this regulation, consider the minimum variance needed to make it buildable for an appropriately sized and compatibly designed structure, while following the guidance provided in this section.
 - (15)(14) Whether the variance will increase the likelihood for flood or erosion damage to either the applicant's property or to other properties.
 - (16)(15) Culverting of watercourses should be avoided.
 - (17)(16) Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian zone.

Section 2. Chapter 1492 Controlling Riparian Setbacks and Wetlands Setbacks, Section 1492.11, Variances Within Riparian Setback and Wetland Setback is hereby amended by creating a new paragraph (h) as follows:

- (h) When a variance is granted that results in a loss of riparian or wetland function, that loss must be mitigated according to the following:
 - (3) All wetland **setback** losses must be mitigated upstream of the disturbed location.
 - (7) Prior to granting any variance that results in a loss of riparian or wetland function or wetland **setback** area, the applicant must submit a statement that identifies all requested losses, an evaluation of mitigation needs and documentation of the planned mitigation to offset the losses; this statement will be submitted to Ohio EPA as part of the community's Annual Storm Water Program Report.
 - (8) Prior to granting any variance that results in a loss of riparian or wetland function or wetland **setback** area, the applicant must submit a statement that legally binds the applicant to complete, at his or her personal expense, any future mitigation and to pay any penalties or fines that may be assessed or assigned to the community by any regulatory authority relative to the granting of any of the applicants requested variances under this ordinance.

Moved by Mr. Willey, seconded by Mr. Kasaris to **amend Ordinance 07-102 as read**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Referred to the Planning Commission.

SECOND READING CONSIDERATION

ORDINANCE 08-69

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 6 GENERAL OFFENSES CODE, BY REPEALING CHAPTER 620 ENTITLED CLEAN INDOOR AIR AND REPLACING WITH A NEW CHAPTER 620 ENTITLED SMOKING PROHIBITED, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

The Director of Legislative Services read the following proposed amendments as recommended by the Safety Committee:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 6 GENERAL OFFENSES CODE, ~~BY REPEALING CHAPTER 620 ENTITLED CLEAN INDOOR AIR AND REPLACING WITH~~ **BY CREATING** A NEW CHAPTER 620 **626** ENTITLED ~~SMOKING PROHIBITED,~~ **SMOKING ON CITY OWNED PROPERTY,** AND DECLARING AN EMERGENCY

WHEREAS: Recent changes in the Ohio Administrative Code affecting smoking regulations as promulgated by the State of Ohio required the city to review and seek amendments of the existing regulations under ~~Chapter 620~~ **Part 6, General Offenses Code**; and

Section 1. Part 6 General Offenses Code of the Codified Ordinances of the City of North Royalton is hereby amended by ~~repealing the existing Chapter 620 entitled Clean Indoor Air and replacing with~~ **creating** a new Chapter 620 **626** entitled ~~Smoking Prohibited,~~ **Smoking on City Owned Property**, a copy of which is marked as Exhibit A and attached hereto as if fully rewritten.

Section 2. ~~Chapter 620~~ **Part 6** of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Part 6 shall remain in full force and effect.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend ~~the existing smoking regulations under Chapter 620~~ **Part 6 of the Codified Ordinances of the City of North Royalton by creating a new Chapter 626 entitled Smoking on City Owned Property** in order to **regulate smoking on city owned property and to** comply with Ohio law.

Replace the **original Exhibit A** with a **new Exhibit A**.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **amend Ordinance 08-69 as read**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **adopt Ordinance 08-69 as amended**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

FIRST READING CONSIDERATION

ORDINANCE 08-76

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING ORDINANCE 90-217, STAFFING AND CLASSIFICATION PLAN FOR THE VARIOUS DEPARTMENTS OF THE CITY OF NORTH ROYALTON, SECTION 8, LAW DEPARTMENT, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **adopt Ordinance 08-76**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-77

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE ACCEPTING THE BID OF VALLEY FREIGHTLINER TRUCKS OF CLEVELAND FOR THE PURCHASE OF ONE (1) 2009 SINGLE AXLE DUMP TRUCK CHASSIS FOR THE SERVICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$63,856.00 AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability has been signed by 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. Kasaris, seconded by Mr. Willey to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Willey to **adopt Ordinance 08-77**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-78

Introduced by: Petrusky, Willey, Kasaris. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OWNERS OF REAL ESTATE LOCATED AT 10699 ABBEY ROAD, NORTH ROYALTON, OHIO, FOR A GRINDER PUMP TO BE LOCATED ON SAID PARCEL, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Willey to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **adopt Ordinance 08-78**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

MISCELLANEOUS

Gabriela Sobczak, 3900 Akins Road, addressed Council. She thanked numerous employees and elected officials for the assistance she was given regarding concerns over new construction near her home. Mrs. Sobczak provided Council with a copy of a letter she wrote on April 2, 2008, a copy of which is on file in the Council Office.

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris to **adjourn the April 15, 2008, City Council Meeting**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Meeting adjourned at 8:25 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: May 6, 2008
PRESIDENT OF COUNCIL

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES