

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **November 18, 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, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Fire Chief Michael Fabish, Safety Director Bruce Campbell, Service Director Kris Kamps, Recreation Director Ed Swim, Office on Aging Director Judith Willey.

Agenda reviewed.

Mrs. Haller announced that the Law Department has requested an Executive Session this evening to discuss the purchase of property.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **November 18, 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, Community Development Director Thomas Jordan, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Fire Chief Michael Fabish, Safety Director Bruce Campbell, Service Director Kris Kamps, Recreation Director Ed Swim, Office on Aging Director Judith Willey.

ABSENT: Building Commissioner Rito Alvarez.

CONSENT AGENDA

- a. Approval of minutes: November 5, 2008.
- b. 180 day extension revised sketch plan approval. Timberlane Estates Phase V.
- c. 180 day extension final plat approval. Woodcroft Glen Phase 2.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **excuse Councilman Willey from voting on the minutes of November 5, 2008.** Roll Call: Yeas: **Six** (Gentile, Nickell, Petrusky, McKee, Antoskiewicz, Kasaris). Nays: **None.** (Excused: Willey). **Motion carried.**

- No one on Council wished to have an item removed from the Consent Agenda for discussion.

Moved by Mr. Kasaris, seconded by Mr. Petrusky 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:

Director of the Office on Aging Judith Willey reported that Kiwanis/Office on Aging food basket distribution would take place on November 22, 2008 from 9:00-11:00 a.m. Volunteers are needed.

Fire Chief Michael Fabish reminded residents to keep the address numbers on their mailboxes clear of snow so that safety forces can locate their home in case of emergency.

PRESIDENT OF COUNCIL'S REPORT:

Moved by Mr. Willey, seconded by Mr. Kasaris **to hold an Executive Session immediately following the regular order of business to discuss the purchase of property for public purposes.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Moved by Mr. Willey, seconded by Mr. Kasaris **to suspend the rule requiring 24 hour posting of legislation in the Council Chambers and add Ordinance 08-220 to this evening's agenda.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). 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.***

Safety Committee – Mr. Kasaris reported that the Safety Committee met this evening and approved the purchase of an ambulance for the Fire Department.

Stormwater Committee - Mr. Antoskiewicz reported that many projects have been completed or are in progress. This has been a very successful year and we plan to continue this success next year.

Streets Committee – Mr. Nickell reported that the streets projects are wrapping up for the year, with road repairs for potholes being made as needed.

PUBLIC DISCUSSION

Bill Mastronicolas, 3680 Akins Road, addressed Council regarding Ordinance 08-217. Mr. Mastronicolas said that he owns a business adjacent to the property the city is trying to acquire. He hopes that the city can come to an agreement with the property owners rather than proceed with the eminent domain. His concern is that once the city has acquired the property, will there be enough access between the ball diamond homerun fence and his property in order to access the parking that is on the far side, or are they next for eminent domain? He said that there is only 30 feet between the homerun fence and his property and it's a drainage swale. He said that there is talk about needing 60 feet for a right of way road way and there is only 30 feet. He said that 30 feet is enough for a driveway, but is concerned that it won't be enough to satisfy the city and he fears that his property will be next to be acquired.

Mr. Gentile asked Mr. Mastronicolas to meet with the City Engineer after the meeting to discuss his concerns.

Mr. Jordan said that the Administration has met with Mr. Mastronicolas. He said that Mr. Mastronicolas raises a very legitimate concern. We are trying to make sure that this driveway entrance has the least amount of impact on any of the businesses in the area. We are trying to get a drive into a baseball field; we are not trying to negatively impact the business in the area.

LEGISLATION**THIRD READING CONSIDERATION:**

No Action: 05-187, 07-107, 08-112.

SECOND READING CONSIDERATION**ORDINANCE 08-214**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 10 STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 1045 USE OF SEWERS SERVED BY NORTH ROYALTON CONSOLIDATED SEWER DISTRICT; CHARGES, SECTION 1045.21, SANITARY SEWER CHARGES GENERALLY, AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading**.

FIRST READING CONSIDERATION**RESOLUTION 08-215**

Introduced by: Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION COMMENDING THE NORTH ROYALTON HIGH SCHOOL MARCHING BAND FOR RECEIVING A SUPERIOR RATING AT THE 2008 OHIO MUSIC EDUCATION ASSOCIATION COMPETITION.** Title read.

Moved by Mr. Willey, seconded by Mr. Kasaris 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 Resolution 08-215.**

Mr. Nickell said that the North Royalton Marching Band is one of the good things happening in North Royalton. Over the years Mr. Lydecker, Mr. Burdik and Mr. Vitale and all the other advisors have literally influenced thousands of kids with the marching band experience, including his son. The program also teaches commitment, dedication, persistence and an appreciation for music. He said that without a good booster organization such as ours under the direction of Dr. Kelly, many of the extras would not happen, such as new uniforms, etc., that really make this one of the most outstanding programs in Ohio.

Mayor Stefanik said that his son dotted the "1" this year for the Ohio State Marching Band and he felt that 95% of this was due to Mr. Lydecker's drive and guidance for the kids in the High School Marching Band. Mayor Stefanik said that the marching band is the shining jewel of North Royalton.

Mr. Gentile said that we are all very proud of the marching band and we get a lot of bragging rights to our colleagues in other cities.

Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-216

Introduced by: Mayor Stefanik. **AN ORDINANCE MAKING TEMPORARY APPROPRIATIONS FOR THE FIRST QUARTER OF THE YEAR 2009 FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH ROYALTON, 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 08-216.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-217

Introduced by: Mayor Stefanik. **AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST IN REAL PROPERTY FOR A ROADWAY ON PERMANENT PARCEL NUMBER 483-28-003 VIA QUICK-TAKE PROCEDURE, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Kasaris 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 08-217**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**.

ORDINANCE 08-218

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OIL AND GAS LEASE AGREEMENT WITH CUTTER OIL COMPANY FOR THE LEASE OF CERTAIN CITY OWNED REAL ESTATE, AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Willey, seconded by Mr. Kasaris to permit Mr. Gentile to **abstain from voting on this legislation**.

Mr. Gentile stated that his reason for abstaining from this vote is due to a potential business agreement with Cutter Oil Company.

Roll Call: Yeas: **Six** (Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. (Excused: Gentile). **Motion carried**.

Moved by Mr. Willey, seconded by Mr. Kasaris to **suspend the rules requiring three readings and referral to committee**. **Roll Call:** Yeas: **Six** (Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. (Abstained: Gentile). **Motion carried**. Moved by Mr. Willey, seconded by Mr. Petrusky to **adopt Ordinance 08-218**. **Roll Call:** Yeas: **Six** (Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. (Excused: Gentile). **Motion carried**.

ORDINANCE 08-219

Introduced by: Antoskiewicz, Nickell, Gentile. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, CHAPTER 1481 STORM WATER MANAGEMENT, SECTION 1481.08 MAINTENANCE OF SYSTEMS, PARAGRAPH (d), AND DECLARING AN EMERGENCY**. Title read.

Moved by Mr. Willey, seconded by Mr. Kasaris 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. Petrusky to **adopt Ordinance 08-219**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**.

ORDINANCE 08-220

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE ACCEPTING THE BID OF PETROLEUM TRADERS CORPORATION FOR THE PURCHASE OF FUEL FOR THE 2009 SEASON AS THE LOWEST AND BEST BID, 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. Kasaris, seconded by Mr. Antoskiewicz to **adopt Ordinance 08-220**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**.

MISCELLANEOUS

RECESS

Moved by Mr. Antoskiewicz, seconded by Mr. Kasaris to **recess the Council Meeting into Executive Session to discuss the purchase of property for the public purpose**. [ORC 121.22(G)(3)]. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**.

Council meeting recessed at 8:23 p.m.

EXECUTIVE SESSION**Executive Session called to order at 8:30 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, Recreation Director Ed Swim, Finance Director Karen Fegan, Community Development Director Thomas Jordan, City Engineer Mark Schmitzer.

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

Moved by Mr. Gentile, seconded by Mr. Petrusky **to adjourn the Executive Session.** Roll Call: Yeas: Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Executive Session adjourned at 8:41 p.m.**RECONVENE**

Moved by Mr. Gentile, seconded by Mr. Petrusky **to reconvene the November 18, 2008, City Council Meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Council meeting reconvened at 8:41 p.m.

- There was no further business pending before Council.

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mr. Gentile **to adjourn the November 18, 2008, City Council Meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Council Meeting adjourned at 8:42 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: December 2, 2008
PRESIDENT OF COUNCIL

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