

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **December 2, 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, Wastewater Supt. Timothy Tigue, Building Commissioner Rito Alvarez, City Engineer Mark Schmitzer, Fire Chief Michael Fabish, Safety Director Bruce Campbell, Service Director Kris Kamps, Recreation Director Ed Swim, Office on Aging Director Judith Willey.

Agenda reviewed.

Law Director Thomas Kelly discussed Ordinance 08-112. He said that this legislation was originally proposed to clarify the procedures for non-conforming uses. While the point is well taken, Mr. Kelly said that the proposed solution is equally confusing and it was suggested that sponsorship be withdrawn from this legislation. Mr. Kelly said that he has discussed this with the Building Commissioner and he has no problems with removing this legislation. The committee members on the Building & Building Codes Committee agreed to withdraw their sponsorship to this legislation. Mrs. Haller said that she would announce this decision on the floor of Council this evening.

Mr. Gentile announced that he is again asking permission to abstain from voting on legislation involving Cutter Oil due to a potential business agreement with Cutter Oil Company.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **December 2, 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, Wastewater Supt. Timothy Tigue, Building Commissioner Rito Alvarez, 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: Community Development Director Thomas Jordan.

CONSENT AGENDA

- a. Approval of minutes: November 18, 2008.
- b. Legislation:

RESOLUTION 08-221

Introduced by: Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION IN SUPPORT OF THE EFFORTS OF NOPEC TO ENGAGE THE CLEVELAND ELECTRICAL ILLUMINATING COMPANY IN COST SAVING MEASURES FOR CONSUMERS GENERALLY, AND FOR THE RESIDENTS OF NORTH ROYALTON IN PARTICULAR.** 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. Kasaris 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. Kasaris, seconded by Mr. Willey 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 thanked Council and the community for their assistance with the Thanksgiving food basket program. Mrs. Willey reported that the Christmas food basket distribution will be held on December 20, 2008. Any residents in need of assistance should call her office. There will also be an Adopt a Family program this year.

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.**

Safety Committee – Mr. Kasaris reported that the Safety Committee has recommended the approval of Ordinance 08-226 for the purchase of an ambulance for the Fire Department.

Streets Committee – Mr. Nickell reported that the Streets Department is now on their winter schedule. He said that road edge markers will be placed at various locations throughout the city to assist the snow plow drivers. Mr. Nickell asked that the residents not remove these markers if they are placed on or near their property.

LEGISLATION

THIRD READING CONSIDERATION:

No Action: 05-187, 07-107.

- Mrs. Haller announced that **sponsorship to Ordinance 08-112 had been withdrawn by the Building & Building Codes Committee** during the caucus meeting this evening.

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.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **remove Ordinance 08-214 from the Utilities 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 08-214**.

Mr. Kasaris said that he has looked at this request and examined the budgets going back to 2003 for the Wastewater Department. He has also examined what other cities charge their residents as well as what the Regional Sewer District charges. He has looked at other ways to bring revenue into the Wastewater Fund, such as raising tipping fees. However, our tipping fees are higher than most communities in the area, so it was determined that this would not be a viable option. Mr. Kasaris said that our rates have not increased in the past 10 years. During that time period our Wastewater Department has not hired any new employees, we have not created any new positions, we are doing more with less. We have a well run department run by one of the finest supervisors in Cuyahoga County. He said that it became clear to him that we needed this rate hike. The question in his mind was should it be done now, or should we wait until 2011, when the Regional Sewer district rates will surpass our rates. He said that the

responsible thing to do is to act now. Even though we are only raising these rates on an average of \$8.00/quarter, he understands that it is still going to be tough on residents in this economy. We have to do what is responsible for our government and our citizens. We cannot wait on this as was done in the past, we have to act now. Mr. Kasaris said that he will be supporting this legislation.

Mr. Nickell said that he concurs with Mr. Kasaris. It is better to have a smaller, gradual increase rather than a large one time increase when we are deep in debt. He is in favor of this legislation.

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

FIRST READING CONSIDERATION

(Resolution 08-221 adopted under the approval of the Consent Agenda).

ORDINANCE 08-222

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. Kasaris, seconded by Mr. Willey 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. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 08-222.** **Roll Call:** Yeas: **Six** (Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None.** (Excused: Gentile). **Motion carried.**

ORDINANCE 08-223

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.

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

ORDINANCE 08-224

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 08-30 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008, AS AMENDED BY ORDINANCE 08-83, 08-106, 08-155, 08-178, 08-206 AND 08-210 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, 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. Willey, seconded by Mr. Kasaris to **adopt Ordinance 08-224.** **Roll Call:** Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-225

Introduced by: McKee, Petrusky, Gentile. **AN ORDINANCE AUTHORIZING THE PAYMENT OF A MORAL CLAIM TO STANLEY AND KIMBERLY ROBINSON OF THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$2,593.48, AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability of Funds has been signed by the Finance Director stating that funds are available or are in the process of being collected in the Wastewater Maintenance Fund #52.

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. Willey, seconded by Mr. Antoskiewicz to **adopt Ordinance 08-225**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 08-226

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF AN AMBULANCE FOR THE FIRE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$181,998.31, AND DECLARING AN EMERGENCY.** Title read.

Certificate of Availability of Funds has been signed by the Finance Director stating that funds are available or are in the process of being collected in the Fire Capital Improvement Fund #34.

Moved by Mr. Willey, 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.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 08-226**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mr. Gentile to **adjourn the December 2, 2008, City Council Meeting**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, McKee, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Council Meeting adjourned at 8:15 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: December 16, 2008
PRESIDENT OF COUNCIL

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