

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **April 7, 2009, at 7:30 p.m.**

PRESENT: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Mike Farrell, 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, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

Agenda reviewed.

Discussion was held regarding proposed Ordinance 09-45. Mr. Antoskiewicz asked that this be placed on second reading and referred to the Building & Building Codes Committee. Mr. Antoskiewicz said that there are numerous zoning and structural issues that have yet to be addressed. He felt that we should hold off on this legislation until those issues are resolved. Mr. Nickell said that he is not comfortable delaying this project. Mr. Antoskiewicz said that we will not be delaying the project due to the fact that they must still appear before the Board of Zoning Appeals to address the variance issues, as well as the Planning Commission for site plan approval. It was agreed to refer this to the Building & Building Codes Committee.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **April 7, 2009, to conduct a Public Hearing.** The hearing was called to order at 8:00 p.m. by President of Council Vincent Gentile.

PRESENT: Council: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Mike Farrell, 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, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

PUBLIC HEARING

A. APPLICATION SUBMITTED BY CHARLES AND DAVID MULLER FOR PLACEMENT OF APPROXIMATELY 4 ACRES LOCATED AT 12584 DRAKE ROAD IN THE CITY OF NORTH ROYALTON, PPN 484-09-004, IN AN AGRICULTURAL DISTRICT PURSUANT TO SECTION 929.02 OF THE OHIO REVISED CODE.

- Notice of this Public Hearing was posted, published and mailed as required.

No one in the audience wished to be heard on this application.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **refer this item to the Building & Building Codes Committee for review at their April 20, 2009 meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

B. APPLICATION SUBMITTED BY CHARLES AND JANET MULLER FOR PLACEMENT OF APPROXIMATELY 17 ACRES LOCATED AT 3333 WILTSHIRE ROAD IN THE CITY OF NORTH ROYALTON, PPN 486-30-007, IN AN AGRICULTURAL DISTRICT PURSUANT TO SECTION 929.02 OF THE OHIO REVISED CODE.

- Notice of this Public Hearing was posted, published and mailed as required.

No one in the audience wished to be heard on this application.

Moved by Mr. Kasaris, seconded by Mr. Willey to **refer this item to the Building & Building Codes Committee for review at their April 20, 2009 meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried**

ADJOURNMENT

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

Public Hearing adjourned at 8:02 p.m.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **April 7, 2009, in regular session.** The meeting was called to order at 8:02 p.m. by President of Council Vincent Gentile and opened with the Pledge of Allegiance.

PRESENT: Council: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Mike Farrell, 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, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

CONSENT AGENDA

- a. Approval of minutes: March 17, 2009
- b. Authorize the Mayor and Service Director to advertise for bids for High Intensity Prismatic Materials/Sign Shop Supplies.
- c. Authorize the Mayor and Service Director to advertise for bids for the installation of an existing dump body onto a new 2009 International 7500 Tandem Axle Cab/Chassis and New Equipment Package (plow, brine system, etc.).
- d. Legislation:

FIRST READING CONSIDERATION

RESOLUTION 09-41

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION ACKNOWLEDGING THE COMMUNITY SERVICE OF TOM C. FASHEMPOUR.** Title read.

RESOLUTION 09-42

Introduced by: Mayor Stefanik. **A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF THOMAS P. O'DONNELL TO THE BOARD OF TRUSTEES OF PARMA COMMUNITY HOSPITAL EFFECTIVE JUNE 1, 2009, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 09-43

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION SUPPORTING THE EMERGENCY OPERATING LEVY OF THE NORTH ROYALTON CITY SCHOOL DISTRICT.** 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, Farrell, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**. Moved by Mr. Kasaris, seconded by Mr. Farrell to **adopt the Consent Agenda as presented and read**.

Mr. Nickell wished to comment on Resolution 09-43. He said the one thing that stands out in our community is our schools; people don't move to North Royalton for the Recreation Center, the shopping mall or the fine roads. The schools actually act as our Recreation Center and Community Center. Although there is the education of 4,700 students that goes on during the day, our school district does so much more for the community. In order to keep a fine school system going that has taken years to build, Mr. Nickell said that he will be supporting Resolution 09-43.

Mr. Kasaris said that as a father of four, he has a vested interest in the school system. Three of his daughters are involved in sports, two are in middle school sports. He said that our children really do count on us, it's not just a slogan. The state legislature has dropped the ball handed to it by the Supreme Court three times and now the Supreme Court has walked away from it as well. No one wants to pay more in taxes, but unfortunately until the state government steps in and stops the over reliance on property taxes in Ohio we have no choice. The costs continue to rise while school funding continues to drop. The school system has done its part by such things as freezing pay raises, enacting internal controls to keep costs down, and having the employees contribute to the cost of their health care. He said that the time is now for the people to act to do their part to keep this a great school system. For these reasons, Mr. Kasaris said that he supports Resolution 09-43.

Mr. Farrell said that in addition to what has already been said, he wants to make sure that the residents who do not have children in the school system understand the impact of the passage of this levy. We are in a deep recession and our property values in northeast Ohio have plummeted, even lower than the national average. Passing this school levy will help ensure the growth of residents' personal income through their homes. He said that there have been a lot of misconceptions published about this levy and said it is important to realize that the people who run this school system have done a unique job. The cost per pupil is the second lowest in the state and yet they haven't come back to us to ask for money for several years. Mr. Farrell said that he supports Resolution 09-43 and hopes that the levy will pass.

Mr. Gentile said that he too endorses this resolution. The schools are a shining star in our community. He said that both he and his wife are products of the North Royalton School District. Mr. Gentile said that this is a fine district, our kids need it, and it is the right thing to do.

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

COMMUNICATIONS: None.

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS:

Director of the Office on Aging Judith Willey said that due to the poor economic conditions facing residents in our community, anyone who is in need of emergency food or assistance with a utility disconnect to please contact her office for help.

PRESIDENT OF COUNCIL'S REPORT:

Moved by Mr. Kasaris, seconded by Mr. Willey to **hold an Executive Session immediately following the regular order of business to discuss disputes involving the public body that are the subject of pending or imminent court action**. [ORC 121.22 (G)(3)]. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, 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**.

Review and Oversight – Mr. Gentile reported that the committee met this evening and voted unanimously to recommend approval of Ordinance 09-40.

Streets Committee – Mr. Nickell reported they discussed at their last meeting the plans for fixing our streets, filling chuck holes as well as the other large projects we are working on. He said that we are in a Catch 22 right now with the weather and the asphalt plants not being open until May. If we fill the chuck holes now with cold patch, it won't last. The Durapatcher we are purchasing will be a great tool in filling chuck holes by spraying an emulsion rather than asphalt into the hole. These type of repairs are expected to last 2-3 years or more.

Issue I Task Force – Mr. Gentile reported that the committee met this evening and said that potential projects and outside funding were discussed.

PUBLIC DISCUSSION

Greg Gurka, 9961 River Oaks Drive. Mr. Gurka is the Director of Personnel for the North Royalton City School District and he is here tonight with Rich Evans, Director of Curriculum Instruction for the school district. On behalf of the students, staff, parents and the entire community, he thanked Council for their unanimous approval of Resolution 09-43 supporting the school levy. He said that the school levy is about our community. Our schools define our community and our kids count on us. He said that the last time the district came to the residents for new money was in 2002. He said the district has stretched their budget and has opened a new building in the early childhood center at a cost of over \$1 million without coming to the voters for additional funds. Unfortunately the way schools are funded, the district must come back to the community every now and then for new funds. Mr. Gurka said they appreciate Council's support and urged anyone with questions about the levy to please contact them.

LEGISLATION

SECOND READING CONSIDERATION

ORDINANCE 09-40

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AND EXECUTE A CONTRACT WITH RICHARD L. BOWEN AND ASSOCIATES, INC., AS CONSULTING ENGINEER TO PROVIDE ENGINEERING SERVICES FOR THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Kasaris, seconded by Mr. Farrell to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Farrell to **adopt Ordinance 09-40.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

FIRST READING CONSIDERATION

ORDINANCE 09-44

Introduced by: Mayor Stefanik. **AN ORDINANCE ACCEPTING THE BID OF ACE BASEMENT WATERPROOFING FOR THE RETROFIT PROJECT FOR FOUR HOME SITES ON ABBEY ROAD IN THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$61,500.00, 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 Storm Sewer and Drainage Fund #33.

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, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **adopt Ordinance 09-44.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-45

Introduced by: Willey. **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO TODD HUNTINGTON, GPD ASSOCIATES FOR A DRIVE-THRU WINDOW FOR A TACO BELL RESTAURANT TO BE LOCATED AT 6447 ROYALTON ROAD, PPN 487-05-009, TCD-1 ZONING, PROPERTY OWNER CHARLES A. ABOOKIRE, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Building & Building Codes Committee.**

ORDINANCE 09-46

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF ONE (1) DURACO DURAPATCHER MODEL #125DJT WITH ATTACHMENTS AND TRAILER FOR THE SERVICE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$61,654.50, 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 SCM&R Fund #11.

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, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Willey to **adopt Ordinance 09-46.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-47

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE CITY OF NORTH ROYALTON TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Kasaris to **adopt Ordinance 09-47.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

MISCELLANEOUS

Mr. Nickell said that regarding Ordinance 09-45, he understands the due diligence of referring this legislation to committee for further review. His concern was that this would delay the project, but with this still needing to be approved by other boards and commissions, there will be no additional delay. He said that while we are being prudent, we are still expedient in helping new businesses in the community.

Moved by Mr. Willey, seconded by Mr. Petrusky to **recess into an Executive Session to discuss disputes involving the public body that are the subject of pending or imminent court action.** [ORC 121.22 (G)(3)].

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

Council meeting recessed at 8:24 p.m.

EXECUTIVE SESSION

Executive Session called to order at 8:26 p.m.

PRESENT: President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Mike Farrell, Larry Antoskiewicz, Dan Kasaris, Legislative Services Director Laura Haller, Mayor Robert A. Stefanik, Law Director Thomas A. Kelly, Finance Director Karen Fegan, City Engineer Mark Schmitzer.

- **Matters of disputes involving the public body that are the subject of pending or imminent court action were discussed.** [ORC 121.22 (G)(3)]

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

Executive Session adjourned at 8:48 p.m.

Moved by Mr. Willey, seconded by Mr. Petrusky to **reconvene the April 7, 2009, City Council Meeting**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Council meeting reconvened at 8:48 p.m.

There was no further business pending before Council.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Farrell to **adjourn the April 7, 2009, City Council Meeting**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Meeting adjourned at 8:48 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: April 21, 2009
PRESIDENT OF COUNCIL

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