

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **May 6, 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, Community Development Director Thomas Jordan, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

Agenda reviewed.

Lengthy discussion was held regarding Ordinance 09-58. Council President Vince Gentile asked for an explanation of the Profit & Overhead (P&O) contained in these change orders.

City Engineer Mark Schmitzer explained that the increases are based on the ODOT spreadsheet, which allows up to 38%.

Mr. Farrell questioned being able to justify an increase of 38%. Mr. Schmitzer said that he is not aware of any provisions that allow us to challenge this percentage. He said that we don't have any language clearly stated in any of our contracts that allows us to do so, and we have adopted the ODOT standards by reference, so we are bound to them.

Mr. Farrell asked how we can protect the city in the future. Mr. Gentile said that if we had our own standards, this would not have been an issue. He said we are working on standards and hopes to have a draft to present to Council in the very near future. He envisions our own standards becoming a part of every bid package in order to provide us with better control.

Law Director Thomas Kelly informed Council that these change orders have been in negotiations for some time and we were able to get the baseline lowered prior to the application of the cost mark ups, which resulted in a savings to the city.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **May 6, 2009, in regular session.** The meeting was called to order at 8:00 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, Community Development Director Thomas Jordan, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Police Chief Paul Bican, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

**ABSENT:** Finance Director Karen Fegan, Fire Chief Michael Fabish.

#### **APPROVAL OF MINUTES:**

Moved by Mr. Willey, seconded by Mr. Petrusky to **approve the minutes of April 21, 2009 as received.** 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:**

**Office on Aging Director Judith Willey** reported that May is Older American's Month and this year's theme is Living Today for a Better Tomorrow.

**Community Development Director Thomas Jordan** reported on the 2009 Storefront Renovation Rebate Program. It is designed to assist business owners in Cuyahoga County with improving the facades of storefronts and/or correcting exterior code violations. Businesses located in an Improvement Target Area (ITA) may receive a 40% rebate for qualified exterior improvements. North Royalton's Improvement Target Area is defined as Royalton Rd. between Ridge and State Rd. Businesses not located in an Improvement Target Area may receive a 30% rebate for exterior improvements. An additional 5% rebate will be given to businesses that use green/sustainable/recycled component in the project. Mr. Jordan urged business owners to contact his office or visit the city website for more information.

**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**

**SECOND READING CONSIDERATION**

**ORDINANCE 09-54**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 220 COUNCIL, SECTION 220.06 RULES OF COUNCIL, RULE VII COMMITTEES BY CREATING A NEW PARAGRAPH (h) ENTITLED EARTH AND ENVIRONMENT, 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, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Director of Legislative Services Laura Haller read the following proposed amendments to Ordinance 09-54:

INTRODUCED BY: Gentile, Nickell, Petrusky, **Willey**, Farrell, **Antoskiewicz**, Kasaris

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 220 COUNCIL, SECTION 220.06 RULES OF COUNCIL, RULE VII COMMITTEES BY CREATING A NEW PARAGRAPH (h) ENTITLED EARTH AND **ENERGY** ENVIRONMENT, AND DECLARING AN EMERGENCY

3<sup>rd</sup> WHEREAS: The city is committed to working with area businesses, community groups and our neighbors to improve the place we live in and do business by implementing environmental and energy policies that benefit our community socially and economically, **and as a result improve our quality of life;** and

6<sup>th</sup> WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 2 Administration, Chapter 220 Council, Section 220.06 Rules of Council, Rule VII Committees, by creating a new Paragraph (h) entitled Earth and **Energy** Environment; and

Section 1. Council hereby amends the Codified Ordinances of the City of North Royalton, Part 2 Administration, Chapter 220 Council, Section 220.06 Rules of Council, Rule VII Committees, by creating a new Paragraph (h) entitled Earth and **Energy** Environment, which shall hereinafter read as follows:

Rule VII Committees.

- (h) Earth and **Energy** Environment
- (1) Recycling
  - (2) Alternative energy usage & sustainability
  - (3) Carbon emissions
  - (4) Construction materials and practices
  - (5) Land development impact
  - (6) Forestry & canopy oversight
  - (7) Greenways and conservation easements
  - (8) Soils, watersheds, and wetlands protection
  - (9) Improve water quality**
  - (10) Water Conservation**

Moved by Mr. Willey, seconded by Mr. Kasaris to **amend Ordinance 09-54 as read**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 09-54 as amended**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

**FIRST READING CONSIDERATION**

**ORDINANCE 09-55**

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE ACCEPTING THE BID OF CONCORD ROAD EQUIPMENT FOR THE TRANSFER OF EXISTING EQUIPMENT ONTO A NEW 2009 INTERNATIONAL 7500 TANDEM AND THE INSTALLATION OF A NEW EQUIPMENT PACKAGE IN THE AMOUNT OF \$46,573.65 AS THE LOWEST AND BEST BID, 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. 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. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 09-55**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

**ORDINANCE 09-56**

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE ACCEPTING THE BID OF VULCAN, INC. FOR A HIGH INTENSITY PRISMATIC SIGN SUPPLY PROGRAM IN THE AMOUNT OF \$48,819.31 AS THE LOWEST AND BEST BID, 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. Kasaris, seconded by Mr. Willey 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 09-56**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

**ORDINANCE 09-57**

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE ACCEPTING THE BID OF KOKOSING MATERIALS, INC., FOR THE PURCHASE OF ASPHALT FOR THE 2009 SEASON AS THE LOWEST AND BEST BID, 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. Willey, seconded by Mr. Kasaris **to adopt Ordinance 09-57.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

#### **ORDINANCE 09-58**

Introduced by: Mayor Stefanik. **AN ORDINANCE GRANTING THE MAYOR AND FINANCE DIRECTOR AUTHORITY TO AGREE TO AND APPROVE CERTAIN CONTRACT CHANGES (CHANGE ORDERS #13, #23 AND #24) RELATING TO THE WORK PERFORMED BY MARTIN ENTERPRISES, INC., FOR THE PAMELA DRIVE STORM SEWER IMPROVEMENT PROJECT, 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. Willey 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. Petrusky **to adopt Ordinance 09-58.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

#### **ORDINANCE 09-59**

Introduced by: Nickell, Antoskiewicz, Gentile. **AN ORDINANCE REPEALING ORDINANCE 09-23 WHICH ACCEPTED THE BID OF L & S CONCRETE, INC. FOR THE 2009 ROAD MAINTENANCE PROGRAM AS THE LOWEST AND BEST BID, 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. Antoskiewicz **to adopt Ordinance 09-59.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

#### **ADJOURNMENT**

Moved by Mr. Willey, seconded by Mr. Kasaris **to adjourn the May 6, 2009, City Council Meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

**Meeting adjourned at 8:12 p.m.**

APPROVED /s/ Vincent A. Gentile DATE APPROVED: May 19, 2009  
PRESIDENT OF COUNCIL

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