

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **July 21, 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, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Fire Chief Michael Fabish, Service Director Kris Kamps, Recreation Director Ed Swim, Safety Director Bruce Campbell.

Agenda reviewed.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **July 21, 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, Finance Director Karen Fegan, Community Development Director Thomas Jordan, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Fire Chief Michael Fabish, Service Director Kris Kamps, Recreation Director Ed Swim, Safety Director Bruce Campbell.

ABSENT: Building Commissioner Rito Alvarez, Police Chief Paul Bican, Office on Aging Director Judith Willey.

CONSENT AGENDA

- a. Approval of minutes: July 7, 2009
- b. Legislation:

RESOLUTION 09-71

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik.
A RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO RECONSIDER THE POSSIBLE CLOSING OF THE NORTH ROYALTON POST OFFICE, AND DECLARING AN EMERGENCY. Title read.

RESOLUTION 09-72

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik.
A RESOLUTION IN SUPPORT OF CLEVELAND METROPARKS APPLICATION TO THE CUYAHOGA COUNTY NATURAL RESOURCE ADVISORY COUNCIL (NRAC) TO ACQUIRE ± 82 ACRES OF OPEN SPACE IN NORTH ROYALTON ALONG THE EAST BRANCH OF THE ROCKY RIVER. Title read.

RESOLUTION 09-73

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik.
A RESOLUTION COMMENDING KURTIS SEWELL ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT. Title read.

RESOLUTION 09-74

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik.
A RESOLUTION URGING FIRSTENERGY CORP. TO UTILIZE WIND POWER IN PROVIDING ELECTRIC SERVICE TO THE CITY OF NORTH ROYALTON. Title read.

RESOLUTION 09-75

Introduced by: Mayor Stefanik. **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT FOR THE REPAIR AND/OR REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS IN THE CITY OF NORTH ROYALTON, 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. 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. Petrusky to **adopt the Consent Agenda as presented and read.**

Mr. Kasaris wished to commend the Mayor on his quick action regarding the Post Office and urged all residents to sign the petition being circulated throughout the city requesting to keep our Post Office branch open.

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

COMMUNICATIONS: None.

MAYOR'S REPORT:

Mayor Stefanik said that it has been recently announced by the US Postal Service that the North Royalton Post Office branch has been slated for closure. We learned of this late last week and immediately went into action by contacting our state representatives and U.S. Congresswoman Betty Sutton, U.S. Congressman Sherrod Brown and Senator George Voinovich. This coming weekend we are having a petition drive on Saturday and Sunday in front of Giant Eagle from 11:00 a.m. to 3:00 p.m. The Mayor said that he and City Council have agreed to go to the York Road Baseball facility tomorrow to get signatures there as well. Mayor Stefanik said that he does not think the closing is a "done deal" and we are therefore working very hard to prevent this closure from happening.

Mayor Stefanik also announced that this evening is the last night for long time Sun Star reporter Joanne DuMound and thanked her for her many years of hard work on behalf of the city.

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.**

Streets Committee: John Nickell reported that street repairs are occurring on a daily basis. Roads that have been completely refinished include Akins Road, Martin Drive, Glenwillow Drive, and Pamela Drive.

LEGISLATION**THIRD READING CONSIDERATION****RESOLUTION 09-63**

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE YORK ROAD IN THE CITY OF NORTH ROYALTON BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Petrusky, seconded by Mr. Kasaris to **remove Resolution 09-63 from the Utilities 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 09-63.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

SECOND READING CONSIDERATION

ORDINANCE 09-65

AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 09-17 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AS AMENDED BY 09-52, BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, 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, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Kasaris **to adopt Ordinance 09-65.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-70

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID DELINQUENT SEWER CHARGES FOR LEVY AND COLLECTION, AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading.**

FIRST READING CONSIDERATION

ORDINANCE 09-76

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, 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.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz **to adopt Ordinance 09-76.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-77

Introduced by: Mayor Stefanik. **AN ORDINANCE ADOPTING A RED FLAG POLICY AND ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE DEPARTMENT OF WASTE WATER TREATMENT, 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.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz **to adopt Ordinance 09-77.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-78

Introduced by: Mayor Stefanik. **AN ORDINANCE ADOPTING A RED FLAG POLICY AND ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR EMERGENCY MEDICAL SERVICES, 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.** Moved by Mr. Kasaris, seconded by Mr. Farrell **to adopt Ordinance 09-78.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-79

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID COST OF CUTTING OF WEEDS, GRASS AND WOODY VEGETATION FOR LEVY AND COLLECTION, 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.** Moved by Mr. Kasaris, seconded by Mr. Willey to **adopt Ordinance 09-79.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-80

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, CHAPTER 214 GENERAL FEE SCHEDULE, SECTION 214.06 FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, PARAGRAPH (m) FEES FOR SALE OF COMPOST, 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. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 09-80.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-81

Introduced by: Farrell, Petrusky, Gentile, Kasaris. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 8 BUSINESS REGULATION AND TAXATION CODE, BY REPEALING THE EXISTING CHAPTER 880 EARNED INCOME TAX AND REPLACING IT WITH A NEW CHAPTER 880 EARNED INCOME TAX, 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. Kasaris, seconded by Mr. Willey to **adopt Ordinance 09-81.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-82

Introduced by: Farrell, Petrusky, Gentile, Kasaris. **AN ORDINANCE AUTHORIZING THE SUSPENSION OF THE PROVISIONS CONTAINED IN CHAPTER 892 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON FOR A PERIOD OF TWO YEARS, 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.**

The Director of Legislative Services read the following proposed amendments to Ordinance 09-82 as recommended by the Finance Committee:

~~AN ORDINANCE AUTHORIZING THE SUSPENSION OF THE PROVISIONS CONTAINED IN **REPEALING** CHAPTER 892 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON FOR A PERIOD OF TWO YEARS, AND DECLARING AN EMERGENCY~~

WHEREAS: Chapter 892 of the Codified Ordinances of the City of North Royalton provides for a tax to be levied upon certain defined individuals attending specific forms of entertainment venues; and

WHEREAS: The Council deems it advisable to **repeal** ~~suspend~~ the provisions of Chapter 892, for a two-year period **effective September 1, 2009.**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

~~Section 1. Effective January 1, 2010 through December 31, 2011, the requirements set forth in Chapter 892 of the North Royalton Codified Ordinances are suspended and shall not be enforced for any tax/fee and/or registration that would otherwise be subject to collection for events and/or entertainment conducted during that time. **Chapter 892 Admissions Tax of the Codified Ordinances of the City of North Royalton is hereby repealed, effective September 1, 2009.**~~

Section 2. Part 8 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Part 8 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

~~Section 2. **4.** All taxes/fees and/or registrations due and owing through **August** December 31, 2009 shall be collected and processed as set forth in Chapter 892 and any such obligations created prior to January 1, 2010 shall be paid and or collected regardless of the suspension set forth herein.~~

~~Section 3. The Director of Finance is hereby requested to provide Council with 90-day prior notification of the expiration of this suspension period.~~

~~Section 4. Upon the termination of the suspension period December 31, 2011 and effective January 1, 2012, subject to any further legislation on the subject, the provisions of Chapter 892 shall thereafter be and remain in full force and effect.~~

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. 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 it is immediately necessary to **repeal** ~~suspend the provisions contained in Chapter 892 for a period of two years.~~

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Moved by Mr. Willey, seconded by Mr. Kasaris to **amend Ordinance 09-82 as read.**

Mr. Farrell said that in March, the Finance Committee took on the task of reviewing the city's tax code. At that time, there were members of Council who looked at Chapter 892 with confusion. As the committee further reviewed this matter each month, it was apparent to some that this tax was unfair. Mr. Farrell thanked Council for their support on this matter and encouraged Council to continue to challenge the status quo.

Roll Call: Yeas: **Six** (Gentile, Nickell, Petrusky, Willey, Farrell, Kasaris). Nays: **One**. (Antoskiewicz). **Motion carried.**

Moved by Mr. Kasaris, seconded by Mr. Farrell to **adopt Ordinance 09-82 as amended.** Roll Call: Yeas: **Six** (Gentile, Nickell, Petrusky, Willey, Farrell, Kasaris). Nays: **One**. (Antoskiewicz). **Motion carried.**

MISCELLANEOUS

Mr. Nickell thanked Ms. DuMound for her service and said that the local papers serve a very important purpose. Council President Gentile and Mr. Willey also wished Ms. DuMound well in her future endeavors.

Mr. Nickell stated that his first term on Council has been a very good experience. He feels we have a very good administration and have completed a lot of projects in the city. We have a good working relationship on Council with many different perspectives on the issues which usually results in a good compromise for the city.

ADJOURNMENT

Moved by Mr. Kasaris, seconded by Mr. Farrell **to adjourn the July 21, 2009, City Council Meeting**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

Meeting adjourned at 8:29 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: September 1, 2009
PRESIDENT OF COUNCIL

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