

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **October 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, 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.

Mrs. Haller reported that the Safety Committee chairman has requested that Ordinances 09-101 and 09-102 be referred to the Safety Committee.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **October 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, 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: September 15, 2009
- b. Authorize the Mayor and the Wastewater Superintendent to advertise for bids for the purchase of ferrous chloride for the Wastewater Department.
- c. Legislation:

RESOLUTION 09-96

Introduced by: Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION IN SUPPORT OF THE CUYAHOGA COMMUNITY COLLEGE ISSUE 4.** Title read.

RESOLUTION 09-97

Introduced by: Farrell, Petrusky, Gentile. **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, 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. Kasaris, seconded by Mr. Willey 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.** 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 the annual flu shot program will be held on October 23 at their offices. Appointments are necessary.

Fire Chief Michael Fabish reported that October 4-11, 2009 is Fire Safety Week and encouraged residents to have their furnaces and fireplaces inspected prior to the start of the winter season.

PRESIDENT OF COUNCIL'S REPORT

Mr. Gentile announced that there will be a joint Ward 3 and Ward 4 meeting on October 12, 2009 at 7:00 p.m. at City Hall.

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.**

Finance Committee: Mr. Farrell reported that the committee held a special meeting on September 30, 2009 to review amendments to the budget for the second time this year. He thanked the administration and all department heads for their efforts in this endeavor.

Streets Committee: Mr. Nickell reported that the Durapatcher is out every day working on the repair of chuck holes throughout the city.

LEGISLATION

FIRST READING CONSIDERATION

(Resolutions 09-96 and 09-97 were adopted under the approval of the Consent Agenda.)

ORDINANCE 09-98

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF A PICK UP TRUCK FOR THE NORTH ROYALTON FIRE DEPARTMENT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$28,195.50, 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 **Fire Capital Improvement Fund #34.**

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. Petrusky to **adopt Ordinance 09-98.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-99

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 09-17 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AS AMENDED BY 09-52 AND 09-65, 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, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Willey, seconded by Mr. Antoskiewicz to **adopt Ordinance 09-99.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 09-100

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AMENDING ORDINANCE 08-226 WHICH AUTHORIZED THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF AN AMBULANCE FOR THE NORTH ROYALTON 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. 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 09-100.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None.** **Motion carried.**

ORDINANCE 09-101

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 240 POLICE DEPARTMENT, SECTION 240.01 QUALIFICATIONS; EXAMINATION; OATH, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 09-102

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 242 FIRE DEPARTMENT, SECTION 242.06 QUALIFICATIONS; EXAMINATION; OATH, AND DECLARING AN EMERGENCY.** Title read.

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

ORDINANCE 09-103

Introduced by: Kasaris, Petrusky, Nickell. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 4 TRAFFIC CODE, CHAPTER 436 LICENSING; ACCIDENTS, SECTION 436.06 DISPLAY OF LICENSE, 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 09-103.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **None.** **Motion carried.**

ORDINANCE 09-104

Introduced by: Willey, Farrell, Antoskiewicz. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, SECTION 1284 SIGNS, CHAPTER 1284.07 SIGNS IN RESIDENTIAL DISTRICTS, BY DELETING PARAGRAPH (g), ITEM (3), 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: **Six** (Gentile, Petrusky, Willey, Farrell, Antoskiewicz, Kasaris). Nays: **One** (Nickell). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **adopt Ordinance 09-104.**

Mr. Nickell said that one reason this is changing is because the Supreme Court has ruled that politicians can put up signs for as long as they want. He feels that 30-60 days is more than enough. Most residents do not want any more sign pollution than we already have. There is nothing much we can do about it because this is how the Supreme Court has ruled. He said most cities have adhered to the 30 days. He said that this is the reason for his no vote.

Law Director Thomas Kelly explained that the Ohio Supreme Court has made it definitively clear that the time restrictions contained in the case ordinance were too restrictive against the First Amendment of the Constitution and freedom of political speech. He said that there was absolutely no question that our ordinance had to be revised. He would be unable to prosecute this.

Mr. Kasaris asked if this applies to signs being displayed post-election as well. Mr. Kelly said he does not know if it applies post-election.

Mr. Willey asked if this applies to primary as well as general elections. Mr. Kelly said yes.

Mr. Farrell said that our hands are tied because of the supreme court ruling, but he would like the residents to know that the Council members who are running for election this year have agreed not to put the signs out until 30 days before the election.

Mayor Stefanik said that this agreement goes back many years in North Royalton. We have known about this for several years but there was an agreement among the candidates going back many years to not put signs out until 30 days before the election. He said that he hopes that this will continue, but unfortunately it did not happen this year, but two years from now we will try to see if we can continue this agreement here in North Royalton.

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

MISCELLANEOUS

For the benefit of those in the audience, Mr. Willey explained the Council Committee and Council Meeting process.

ADJOURNMENT

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

Meeting adjourned at 8:18 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: October 20, 2009
PRESIDENT OF COUNCIL

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