

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **March 2, 2010, at 6:45 p.m.**

**PRESENT:** President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Paul Marnecheck, 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, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

Agenda reviewed.

Mr. Antoskiewicz requested that Ordinance 10-37 be referred to the Utilities Committee for further discussion and review. He said that he still has a lot of questions and would like to have those questions answered before he votes on the legislation. Mr. Nickell and Mr. Kasaris stated that they are not in favor of referring this to committee and would like to take action this evening. Mr. Willey, as Chairman of the Utilities Committee, said that he will take the matter into committee which meets tomorrow night. It was pointed out that historically, Council has granted committee persons the discretion of whether or not an item is referred to their committee.

Mr. Willey asked if the proposed well in Ordinance 10-38 would disturb the existing wetlands. Mr. Gentile said that the wetlands are under the state's jurisdiction and they have signed off on this proposed well.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **March 2, 2010, in regular session.** The meeting was called to order at 7:00 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, Paul Marnecheck, 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, 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.

**ABSENT:** Building Commissioner Rito Alvarez, City Engineer Mark Schmitzer.

## **CONSENT AGENDA**

- a. Approval of minutes: **February 16, 2010**
- b. Legislation:

## **FIRST READING CONSIDERATION**

### **RESOLUTION 10-35**

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

### **RESOLUTION 10-36**

Introduced by: Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris, Mayor Stefanik. **A RESOLUTION AFFIRMING SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS.** 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, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Willey to **approve the Consent Agenda as presented and read**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

**COMMUNICATIONS:** None.

**MAYOR'S REPORT:** No report.

**DEPARTMENT HEAD REPORTS:**

**Office on Aging Director Judy Willey** reported that the school bus drivers will be doing the "Stuff the Bus" food drive at Giant Eagle on March 19, 2010 from 10:00 a.m.-2:00 p.m. and March 20, 2010 from 8:00 a.m.-4:00 p.m. The spring food drive will be on March 27, 2010. Mrs. Willey also reported that representatives from the County HEAP program will be at her office on March 19, 2010 from 10:00 – 11:00 a.m. for any residents who may need assistance.

**Community Development Director Thomas Jordan** reported that the 2010 Store Front Renovation program has begun and information about this program can be obtained from the city's website.

**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 the purchase of property for public purposes**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, 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.***

**Building and Building Codes Committee** – Mr. Marnecheck reported that the March meeting has been rescheduled to March 22, 2010 at 6:00 p.m. The reason for the move is that an application for an agricultural district has been received and the required time lines for approval warrant this meeting change. Mr. Marnecheck listed the items that are on the agenda for review.

**Streets Committee** - Mr. Nickell commended the Service Director and the Service Department on the great job they are doing regarding snow removal in the city. Mr. Nickell said that we have as many as 16 trucks out on the road, 33 personnel over 3 shifts, and about 700 road miles to cover. With this last big storm we utilized personnel from both the Wastewater and Recreation Departments to assist in the snow removal.

**LEGISLATION**

**THIRD READING CONSIDERATION:** No action 09-126, 10-16.

**SECOND READING CONSIDERATION**

**ORDINANCE 10-30**

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FIRST ENERGY SOLUTIONS TO PROVIDE ELECTRICITY TO CERTAIN MUNICIPAL ACCOUNTS, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading**.

**ORDINANCE 10-32**

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING CHAPTER 880 EARNED INCOME TAX, SECTION 880.27 DISBURSEMENT OF FUNDS, OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading**.

**ORDINANCE 10-33**

Introduced by: Mayor Stefanik. **AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH ROYALTON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading**.

**ORDINANCE 10-34**

Introduced by: Petrusky, Gentile, Willey. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWO ADMINISTRATION CODE, CHAPTER 214 GENERAL FEE SCHEDULE, SECTION 214.06 FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, PARAGRAPH (j) USE OF CITY JAIL FACILITIES FOR HOUSING OF PRISONERS BY OTHER GOVERNMENTAL ENTITIES, AND DECLARING AN EMERGENCY.** Title read.

Placed on **third reading**.

**FIRST READING CONSIDERATION****ORDINANCE 10-37**

Introduced by: Willey, Nickell, Kasaris. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER IN TO AN OIL AND GAS LEASE AGREEMENT WITH CUTTER OIL COMPANY FOR THE LEASE OF CERTAIN CITY OWNED REAL ESTATE, REPEALING ORDINANCES 08-223 AND 09-15, AND DECLARING AN EMERGENCY.** Title read.

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

**ORDINANCE 10-38**

Introduced by: Willey, Nickell, Kasaris. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER IN TO AN OIL AND GAS LEASE AGREEMENT WITH OHIO VALLEY LAND & EXPLORATION LLC FOR THE LEASE OF CERTAIN CITY OWNED REAL ESTATE, AND DECLARING AN EMERGENCY.** Title read.

Moved by Mr. Willey, seconded by Mr. Kasaris to authorize Mr. Gentile to **abstain from voting on Ordinance 10-38 due to a business relationship with one of the property owners involved.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. 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, Marnecheck, Antoskiewicz, Kasaris). Nays: **None.** (Abstain: Gentile). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Willey to **adopt Ordinance 10-38.** Roll Call: Yeas: **Six** (Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None.** (Abstain: Gentile). **Motion carried.**

**ORDINANCE 10-39**

Introduced by: Antoskiewicz. **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 485-12-016 FROM ITS PRESENT LOCAL BUSINESS (LB) ZONING CLASSIFICATION TO RESIDENTIAL (R1A) ZONING CLASSIFICATION AS REQUESTED BY PROPERTY OWNER BRIAN PIFER, AND DECLARING AN EMERGENCY.** Title read.

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

## MISCELLANEOUS

Mr. Nickell wished to comment on proposed Ordinance 10-37. He said that he did not support referring this to the Utilities Committee. He said that we received this contract with enough time to review and to ask any questions we may have. One reason we had to change this agreement is because of certain delays on both the city and oil company. This hasn't been drilled in two years and now we are delaying it again. He said that this is not how he thinks we should be doing business and we are sending the wrong message. He feels we should take action on this legislation this evening.

Mr. Willey said that it is the privilege and responsibility of any and all elected officials to ensure that any questions they have are answered to their satisfaction. He felt this was more prudent than voting blindly. Each council representative has this privilege regardless of the legislation or the financial remuneration to the city or residents involved.

Mr. Antoskiewicz said that it is a shame that this has been going on for two years. It looked like we had a deal in place and we were going to be able to go forward with this project. Then all of a sudden it was stopped, the developer had changed his mind and this resulted in a lot of questions that he has asked but has yet to have answered.. This is why he would like to have these answered in the Utilities Committee meeting. It is his understanding that Mr. Cutter will be present at this meeting so that we can get answers to these questions and get this matter resolved. By no means has it been this Council that has held this up.

Mr. Kasaris sad that he does not know how often we get an industry in North Royalton that can bring in an estimated \$40,000-\$60,000 per year to the city coffers. It doesn't make a difference whether we vote today or in two weeks because the Planning Commission still has to decide whether or not to permit the line extension from Broadview Hts. border up to Heasley Field. He said that we need to set the tone and that tone should be that we want to encourage economic development in the city. To continue to delay this legislation sends a negative message not only to this provider but to the other providers in the city.

## EXECUTIVE SESSION

Moved by Mr. Willey, seconded by Mr. Kasaris to **recess into an Executive Session to consider the purchase of property for public purposes [ORC 121.22(G)(3)]**

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

**Council meeting recessed at 7:16 p.m.**

## EXECUTIVE SESSION

**Executive Session called to order at 7:20 p.m.**

**PRESENT:** President of Council Vincent Gentile, Council Representatives John Nickell, Gary Petrusky, Don Willey, Paul Marnecheck, Larry Antoskiewicz, Dan Kasaris, Legislative Services Director Laura Haller, Mayor Robert A. Stefanik, Law Director Thomas A. Kelly, Finance Director Karen Fegan, Recreation Director Ed Swim, Community Development Director Thomas Jordan.

- The purchase of property for public purposes was 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, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

**Executive Session adjourned at 7:50 p.m.**

Moved by Mr. Willey, seconded by Mr. Nickell to **reconvene the March 2, 2010 City Council Meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

**Council meeting reconvened at 7:50 p.m.**

There was no further business pending before Council.

**ADJOURNMENT**

Moved by Mr. Marnecheck, seconded by Mr. Petrusky **to adjourn the March 2, 2010, City Council Meeting.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

**Meeting adjourned at 7:51 p.m.**

APPROVED /s/ Vincent A. Gentile DATE APPROVED: March 16, 2010  
PRESIDENT OF COUNCIL

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