

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **March 16, 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.

It was reported that the Finance Committee recommended to Council approval of Ordinances 10-32, 10-33, and 10-34 at their meeting last evening. Mrs. Haller asked if the changes had been made to Ordinance 10-34 that had been discussed previously regarding private pay prisoners. It was determined that these changes had not been discussed and Mr. Campbell was asked if he had had a chance to review this legislation and recommend changes. Mr. Campbell said that he was not aware that he had been requested to do so, but would have a recommendation to Council by the next meeting. It was agreed to take no action on Ordinance 10-34.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **March 16, 2010, to conduct a Public Hearing.** The hearing was called to order at 7:00 p.m. by President of Council Vincent Gentile.

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, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

ABSENT: Police Chief Paul Bican.

PUBLIC HEARING

- **APPLICATION SUBMITTED BY STEPHEN M. AND NANCY L. MATTES FOR PLACEMENT OF APPROXIMATELY 10 ACRES LOCATED AT 4671 ROYALWOOD ROAD IN THE CITY OF NORTH ROYALTON, PPN 488-22-001 AND 488-22-002, IN AN AGRICULTURAL DISTRICT PURSUANT TO SECTION 929.02 OF THE OHIO REVISED CODE.**

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

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

Moved by Mr. Marnecheck, seconded by Mr. Kasaris to **refer this item to the Building & Building Codes Committee.** Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None. Motion carried.**

ADJOURNMENT

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

Public Hearing adjourned at 7:01 p.m.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **March 16, 2010, in regular session**. The meeting was called to order at 7:01 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, Building Commissioner Rito Alvarez, Wastewater Supt. Timothy Tigue, City Engineer Mark Schmitzer, Fire Chief Michael Fabish, Service Director Kris Kamps, Office on Aging Director Judith Willey, Recreation Director Ed Swim, Safety Director Bruce Campbell.

ABSENT: Police Chief Paul Bican.

CONSENT AGENDA

- a. Approval of minutes: March 2, 2010 and March 5, 2010.
 - b. Authorize the Mayor and City Engineer to advertise for bids for the construction of baseball fields, Phase 2 at the York Road county property.
- 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 **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:

On behalf of the entire city, Mayor Stefanik offered condolences to the Patton Family on the death of Police Officer Thomas Patton, Jr.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL'S REPORT:

Mr. Gentile announced that there will be a Ward 3 and Ward 4 meeting on March 29, 2010 at 7:00 p.m. here at City Hall.

COMMITTEE REPORTS:

All Committees, Boards, and Commissions announced the dates and times of their next regularly scheduled meetings and reviewed items currently on their agendas. 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 – Mr. Nickell reported that the street sweeper has already been put into service and will be continuing throughout the season.

LEGISLATION

THIRD READING CONSIDERATION: No action 10-16, 10-30, 10-34.

ORDINANCE 09-126

AN ORDINANCE ACCEPTING THE DEDICATION OF 635 FEET OF BENTLEY DRIVE, 581 FEET OF RICHLAND DRIVE AND 129 FEET OF YORKSHIRE WAY IN THE VILLAS OF WORTHINGTON SUBDIVISION PHASE 2A FROM PRIDE ONE YORK ROYALTON LLC, AND DECLARING AN EMERGENCY. Title read.

Moved by Mr. Kasaris, seconded by Mr. Willey to **adopt Ordinance 09-126**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

ORDINANCE 10-32

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.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 10-32**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

ORDINANCE 10-33

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.

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **amend Ordinance 10-33 by replacing the original Exhibit A with the final amended version of Exhibit A**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 10-33 as amended**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried.**

SECOND READING CONSIDERATION

ORDINANCE 10-39

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 **third reading**.

FIRST READING CONSIDERATION

ORDINANCE 10-40

Introduced by: Willey, Nickell, Kasaris. **AN ORDINANCE AMENDING ORDINANCE 10-17 WHICH AUTHORIZED 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, AND DECLARING AN EMERGENCY.** Title read.

(Mr. Gentile received authorization from City Council on February 5, 2009, to abstain from voting on any current and future motions relating to Cutter Oil due to an ongoing business relationship with Cutter Oil.)

Moved by Mr. Kasaris, seconded by Mr. Willey 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. Petrusky to **adopt Ordinance 10-40**. Roll Call: Yeas: **Six** (Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. (Abstain: Gentile). **Motion carried.**

ORDINANCE 10-41

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.

(Mr. Gentile received authorization from City Council on February 5, 2009, to abstain from voting on any current and future motions relating to Cutter Oil due to an ongoing business relationship with Cutter Oil.)

Moved by Mr. Kasaris, seconded by Mr. Willey 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. Petrusky to **adopt Ordinance 10-41**. Roll Call: Yeas: **Six** (Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. (Abstain: Gentile). **Motion carried**.

ORDINANCE 10-42

Introduced by: Gentile, Kasaris, Willey. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1248 IMPROVEMENTS, SECTION 1248.08 MAINTENANCE GUARANTEE, AND DECLARING AN EMERGENCY**. Title read.

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, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**. Moved by Mr. Willey, seconded by Mr. Kasaris to **adopt Ordinance 10-42**. Roll Call: Yeas: **Seven** (Gentile, Nickell, Petrusky, Willey, Marnecheck, Antoskiewicz, Kasaris). Nays: **None**. **Motion carried**.

MISCELLANEOUS

Mr. Kasaris stated that the events of the past 6 weeks have compelled him to speak regarding the Heasley field saga. He feels that what we have done today benefits the city, it benefits the residents and at the end of the day that is the most important thing.

Mr. Kasaris said there are two things that underline this process that he hopes would not be repeated during this session. Number one, in 2005, he attended a Council meeting where three members of this body attacked the past Council President and the Ward 2 Councilman with unfounded, untrue and unnecessary allegations of wrong doing. Two weeks ago, he witnessed similar conduct from his freshman colleague who attacked the Council President with assertions that were baseless, all to justify a vote. He said we now have a record of one member of this body questioning the ethics of the Council President and by implication, those who supported Ordinance 10-37. Mr. Kasaris said that he finds these assertions counterproductive and inappropriate. He felt that one should not seek justification for a vote by tearing down another and he wishes to clarify the record so that history will be clear.

Mr. Kasaris said that had his colleague from Ward 4 taken the time to learn the facts as he did from speaking with Mr. Kelly, our Law Director, from speaking with Mr. Cutter, from researching the public record or from talking to any one of his two predecessors, Mr. Farrell or Mr. McKee, he would have learned that by voting on 10-37 in no way shape or manner in his professional opinion as a prosecutor and a former law director was Revised Code section 2921.42 or Chapter 102 of the Revised Code violated by an affirmative vote of 10-37. The chair's conduct in this matter has been above board and transparent from day one. As a prosecutor who has investigated and prosecuted individuals for violating Ohio's ethics codes and these particular revised codes sections or chapters, Mr. Kasaris said that he finds the comments made on March 5, 2010 inappropriate and insulting. He said he would never, ever do anything that would place his ethics in questions whether it be before this body or in his job as an assistant Cuyahoga County Prosecutor.

Mr. Kasaris stated that, secondly, what bothers him most about this process is that apparently a new standard has been set by a minority of this body for which we should apparently address issues before us and that standard is perception. It is not what is right that matters, it is not what is ethical that matters, but rather it is perception. It is perception that almost cost the residents of this community the chance to receive millions of dollars from this well and nothing else. Perception should not interfere with what is right. While our revenues continue to slide, some let perception dictate righteousness. Governing by perception instead of what is right is a dangerous slope to begin to slide down. Perception must yield to what is right for government to have legitimacy.

Mr. Kasaris said that he understands that perception has to have a role in the decision making process of government; he has been in government for 20 years. He has represented County Commissioners, Township Trustees, Boards of Zoning Appeals, and cities, but it is not and should not ever be a deciding factor in the public body making a decision. The deciding factor has to be what is right.

ADJOURNMENT

Moved by Mr. Willey, seconded by Mr. Petrusky **to adjourn the March 16, 2010, City Council Meeting**. Roll Call: Yeas: **Six** (Gentile, Nickell, Petrusky, Willey, Antoskiewicz, Kasaris). Nays: **One**.(Marnecheck). **Motion carried.**

Meeting adjourned at 7:15 p.m.

APPROVED /s/ Vincent A. Gentile DATE APPROVED: April 6, 2010
PRESIDENT OF COUNCIL

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