

March 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 COUNCIL AND CAUCUS 7:00 STORM WATER, STREETS, & UTILITIES 6:00	8 PLANNING COMMISSION 7:00 CAUCUS 6:45	9	10	11
12 DAYLIGHT SAVINGS TIME BEGINS 	13 CIVIL SERVICE COMM 4:00 (COMMUNITY ROOM #2)	14	15	16	17 	18
19	20	21 COUNCIL AND CAUCUS 7:00 B&BC, FINANCE & SAFETY 6:00	22 PLANNING COMMISSION 7:00 CAUCUS 6:45	23	24	25
26	27	28 REC BOARD 6:00	29	30 BZA 7:00 CAUCUS 6:45	31	

All meetings will be held at City Hall 14600 State Road, unless otherwise noted.

**NORTH ROYALTON CITY COUNCIL
A G E N D A
MARCH 7, 2017**

7:00 p.m. Caucus

Council Meeting 7:00 p.m.

REGULAR ORDER OF BUSINESS

1. Call to Order.
2. Opening Ceremony (Pledge of Allegiance).
3. Roll Call.
4. Approval of Consent Agenda: Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and the Consent Agenda will then be enacted as a whole by one motion and one roll call. There will be no separate discussion of these items. If discussion by Council is desired on any Consent Agenda item, or if discussion is requested by the public on any legislative item on the Consent Agenda, that item will be removed from the Consent Agenda and considered in its normal sequence under the Regular Order of Business.
 - a. Approval of Minutes: February 21, 2017
 - b. Authorize the Mayor and City Engineer to advertise for bids for a roadway project to be located on the North Royalton Service Department property, 11545 Royalton Road, for access to the city's main sewer.
 - c. Legislation: Introduce, suspend rules requiring 3 readings and referral to committee, and adopt those legislative items indicated with an asterisk (*).
5. Communications.
6. Mayor's Report.
7. Department Head Reports.
8. President of Council's Report.
9. Committee Reports:

Building & Building Codes	John Nickell
Finance	Larry Antoskiewicz
Review & Oversight	Dan Kasaris
Safety	Gary Petrusky
Storm Water	Dan Langshaw
Streets	Cheryl Hannan
Utilities	Paul Marnecheck
10. Report from Council Representatives to regulatory or other boards:

Board of Zoning Appeals	Dan Kasaris
Planning Commission	Larry Antoskiewicz
Recreation Board	Paul Marnecheck
11. Public Discussion: Five minute maximum, on current agenda legislation only.
12. LEGISLATION

THIRD READING CONSIDERATION

1. **17-19 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF A PORTION OF PERMANENT PARCEL NO. 485-12-020 FROM ITS PRESENT RURAL RESIDENTIAL (RRZ) ZONING CLASSIFICATION TO LOCAL BUSINESS (LB) ZONING CLASSIFICATION AS REQUESTED BY PROPERTY OWNERS BRIAN AND SONYA PIFER, AND DECLARING AN EMERGENCY. First reading February 7, 2017 and referred to Planning Commission and Building and Building Codes. Building and Building Codes Committee recommended approval February 21, 2017. Second reading February 21, 2017. Planning Commission Public Hearing March 8, 2017.**

FIRST READING CONSIDERATION

- * 1. **17-34** - A RESOLUTION SUPPORTING THE NORTH ROYALTON CITY SCHOOL DISTRICT'S \$88,900,000.00 BOND ISSUE AND THE LEVY OF AN ADDITIONAL TAX OF 0.5 MILLS.
- * 2. **17-35** - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JESSICA FENOS TO FILL THE UNEXPIRED TERM OF CHERYL HANNAN AS A MEMBER OF THE CITY OF NORTH ROYALTON'S PLANNING COMMISSION, AND DECLARING AN EMERGENCY.
3. **17-36** - AN ORDINANCE GRANTING A SIMILAR USE PERMIT TO ROBERT MOREL OF MOREL LANDSCAPING LLC ON BEHALF OF PROPERTY OWNER JOYCE MACDOWELL TO OPERATE A LANDSCAPING BUSINESS AT 13928 PROGRESS PARKWAY, PPN 483-18-016, GENERAL INDUSTRIAL ZONING, AND DECLARING AN EMERGENCY.
4. **17-37** - AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MICHAEL R. CLOUD OF NORTH COAST DESIGN BUILD ON BEHALF OF CLOUD-SPRENGER PROPERTIES, LLC TO BUILD, AND TO THE MENTOR NETWORK TO OPERATE A GROUP HOME TO BE LOCATED ON SPRAGUE ROAD, PPN 481-07-028, RESIDENTIAL R1A ZONING, PROPERTY OWNER VITOSANTE RAGONE, AND DECLARING AN EMERGENCY.
5. **17-38** - AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MICHAEL R. CLOUD OF NORTH COAST DESIGN BUILD ON BEHALF OF CLOUD-SPRENGER PROPERTIES, LLC TO BUILD, AND TO THE MENTOR NETWORK TO OPERATE A GROUP HOME TO BE LOCATED ON YORK ROAD, PPN 481-29-002, RESIDENTIAL RM-D ZONING, PROPERTY OWNER VITOSANTE RAGONE, AND DECLARING AN EMERGENCY.
6. **17-39** - AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF NORTH ROYALTON, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT (TURNPIKE STORM WATER RUNOFF).
7. **17-40** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE BIG CREEK WATERSHED 9-ELEMENT NPS IMPLEMENTATION PROJECT, AND DECLARING AN EMERGENCY.
8. **17-41** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH DIGIOIA SUBURBAN, AND DECLARING AN EMERGENCY.
13. Miscellaneous.
14. Adjournment.

RESOLUTION NO. 17-34

INTRODUCED BY: Antoskiewicz, Nickell, Petrusky, Langshaw,
Marnecheck, Hannan, Kasaris, Mayor Stefanik

A RESOLUTION SUPPORTING THE NORTH ROYALTON CITY
SCHOOL DISTRICT'S \$88,900,000.00 BOND ISSUE AND
THE LEVY OF AN ADDITIONAL TAX OF 0.5 MILLS

WHEREAS: The North Royalton City School District has a tradition of excellence in educating the children of the city; and

WHEREAS: A quality school district is essential to the quality of life and making the city a desirable place to live and raise a family; and

WHEREAS: The North Royalton City School District has before the voters of the District at an election to be held on May 2, 2017 a \$88,900,000 bond issue for the purpose of constructing, renovating, remodeling, rehabilitating, adding to, furnishing, equipping and otherwise improving real estate for school district purposes, and the levy of an additional tax of 0.5 mills to provide funds for the acquisition, construction, enlargement, renovation and financing of general permanent improvements; and

WHEREAS: The Council and Mayor Stefanik support the \$88,900,000.00 bond issue and the levy of an additional tax of 0.5 mills and encourage all residents of the City of North Royalton to vote "Yes" on May 2, 2017.

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

Section 1. The Council of the City of North Royalton and Mayor Stefanik hereby declare their support for the North Royalton City School District's \$88,900,000.00 bond issue and the levy of an additional tax of 0.5 mills and encourage all residents of the City of North Royalton to vote "Yes" on May 2, 2017, to maintain the current tradition of excellence for the students of the School District.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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.

THEREFORE, provided this Resolution receives the affirmative vote of a majority of all members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

A RESOLUTION CONFIRMING THE MAYOR’S APPOINTMENT OF JESSICA FENOS TO FILL THE UNEXPIRED TERM OF CHERYL HANNAN AS A MEMBER OF THE CITY OF NORTH ROYALTON’S PLANNING COMMISSION, AND DECLARING AN EMERGENCY

WHEREAS: The Mayor has appointed Jessica Fenos to fill the unexpired term of Cheryl Hannan as a member of the City Planning Commission; and

WHEREAS: Council confirms various appointments made by the Mayor; and

WHEREAS: It is necessary to keep an accurate record of these various appointments as to individuals appointed and their term of office.

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

Section 1. Council hereby confirms the appointment of Jessica Fenos to fill the unexpired term of Cheryl Hannan as a member of the City Planning Commission, effective March 7, 2017.

Section 2. The term of said appointment shall expire on September 29, 2017.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. This Resolution 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 keep accurate public records as to the various appointments made by the Mayor and the date of said appointment.

THEREFORE, provided this Resolution 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.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

AN ORDINANCE GRANTING A SIMILAR USE PERMIT TO ROBERT MOREL OF MOREL LANDSCAPING LLC ON BEHALF OF PROPERTY OWNER JOYCE MACDOWELL TO OPERATE A LANDSCAPING BUSINESS AT 13928 PROGRESS PARKWAY, PPN 483-18-016, GENERAL INDUSTRIAL ZONING, AND DECLARING AN EMERGENCY

WHEREAS: Robert Morel of Morel Landscaping LLC on behalf of property owner Joyce MacDowell has submitted an application for a Similar Use Permit for a landscaping business to be located at 13928 Progress Parkway, PPN 483-18-016 (which is the southern portion of the future consolidated parcel), General Industrial zoning; and

WHEREAS: The Planning Commission recommended approval of this application at their meeting on February 22, 2017; and

WHEREAS: Pursuant to NRCO 1262.07, Council has the authority to approve or disapprove such applications; and

WHEREAS: Council desires to approve this application.

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

Section 1. Council hereby approves the application of Robert Morel of Morel Landscaping LLC on behalf of property owner Joyce MacDowell for a Similar Use Permit for a landscaping business to be located at 13928 Progress Parkway, PPN 483-18-016 (which is the southern portion of the future consolidated parcel), General Industrial zoning.

Section 2. This Similar Use Permit is approved only for the uses stated herein.

Section 3. The Law Department shall prepare the Similar Use Permit which shall, at a minimum, include therein any conditions imposed by the Planning Commission or this Council in compliance with all provisions of the Planning and Zoning Code of the City of North Royalton.

Section 4. 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 5. 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 this Council desires to immediately approve this Similar Use Permit application.

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.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE PASSED: _____

DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

ORDINANCE NO. 17-37

INTRODUCED BY: Antoskiewicz

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MICHAEL R. CLOUD OF NORTH COAST DESIGN BUILD ON BEHALF OF CLOUD-SPRENGER PROPERTIES, LLC TO BUILD, AND TO THE MENTOR NETWORK TO OPERATE A GROUP HOME TO BE LOCATED ON SPRAGUE ROAD, PPN 481-07-028, RESIDENTIAL R1A ZONING, PROPERTY OWNER VITOSANTE RAGONE, AND DECLARING AN EMERGENCY

WHEREAS: Vitosante Ragone, Michael R. Cloud of North Coast Design Build on behalf of Cloud-Sprenger Properties, LLC and The Mentor Network have submitted an application for a Conditional Use Permit to build and operate a group home to be located on Sprague Road, PPN 481-07-028, Residential R1A zoning; and

WHEREAS: The Planning Commission recommended approval of this application at their meeting on February 22, 2017; and

WHEREAS: Pursuant to NRCO 1262.07, Council has the authority to approve or disapprove such applications; and

WHEREAS: Council desires to approve this application.

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

Section 1. Council hereby approves the application for a Conditional Use Permit for Michael R. Cloud of North Coast Design Build on behalf of Cloud-Sprenger Properties, LLC to build, and for The Mentor Network to operate a group home to be located on Sprague Road, PPN 481-07-028, Residential R1A zoning, property owner Vitosante Ragone.

Section 2. This Conditional Use Permit is approved only for the uses stated herein.

Section 3. The Law Department shall prepare the Conditional Use Permit which shall, at a minimum, include therein any conditions imposed by the Planning Commission or this Council in compliance with all provisions of the Planning and Zoning Code of the City of North Royalton.

Section 4. 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 5. 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 this Council desires to immediately approve this Conditional Use Permit application.

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.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

ORDINANCE NO. 17-38

INTRODUCED BY: Antoskiewicz
Co-Sponsor: Langshaw

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MICHAEL R. CLOUD OF NORTH COAST DESIGN BUILD ON BEHALF OF CLOUD-SPRENGER PROPERTIES, LLC TO BUILD, AND TO THE MENTOR NETWORK TO OPERATE A GROUP HOME TO BE LOCATED ON YORK ROAD, PPN 481-29-002, RESIDENTIAL RM-D ZONING, PROPERTY OWNER VITOSANTE RAGONE, AND DECLARING AN EMERGENCY

WHEREAS: Vitosante Ragone, Michael R. Cloud of North Coast Design Build on behalf of Cloud-Sprenger Properties, LLC and The Mentor Network have submitted an application for a Conditional Use Permit for a group home to be located on York Road, PPN 481-29-002, Residential RM-D zoning; and

WHEREAS: The Planning Commission recommended approval of this application at their meeting on February 22, 2017; and

WHEREAS: Pursuant to NRCO 1262.07, Council has the authority to approve or disapprove such applications; and

WHEREAS: Council desires to approve this application.

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

Section 1. Council hereby approves the application for a Conditional Use Permit for Michael R. Cloud of North Coast Design Build on behalf of Cloud-Sprenger Properties, LLC to build, and The Mentor Network to operate a group home to be located on York Road, PPN 481-29-002, Residential RM-D zoning, property owner Vitosante Ragone.

Section 2. This Conditional Use Permit is approved only for the uses stated herein.

Section 3. The Law Department shall prepare the Conditional Use Permit which shall, at a minimum, include therein any conditions imposed by the Planning Commission or this Council in compliance with all provisions of the Planning and Zoning Code of the City of North Royalton.

Section 4. 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 5. 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 this Council desires to immediately approve this Conditional Use Permit application.

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.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

ORDINANCE NO. 17-39

INTRODUCED BY: Mayor Stefanik
Co-Sponsor: Langshaw

AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF NORTH ROYALTON, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT (TURNPIKE STORM WATER RUNOFF)

WHEREAS: The State has identified the need for the described project: Storm sewer repairs in the City of North Royalton to mitigate storm water runoff from IR-80.

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

SECTION I - Project Description

1. Storm sewer repairs in the City of North Royalton to mitigate storm water runoff from IR-80

SECTION II - Consent Statement

1. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

1. The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of State-aid funds set aside by the Director of Transportation for the financing of this improvement.

The LPA agrees to assume and contribute the entire cost and expense of the cost of preliminary engineering, right-of-way and environmental documentation less the amount of State-aid funds set aside by the Director of Transportation.

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

1. The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

1. The LPA shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

1. The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Ordinance No. 17-39

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.

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

CERTIFICATE OF COPY
STATE OF OHIO

The City of North Royalton, Cuyahoga County, Ohio

I, _____, as Clerk of the City of North Royalton, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of North Royalton on the _____ day of _____, 2017, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2017.

CLERK
CITY OF NORTH ROYALTON, OHIO

(SEAL)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of North Royalton, Ohio

Attest: _____ Date: _____
MAYOR

For the State of Ohio

Attest: _____ Date: _____
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION

**COMMUNITY COST-SHARE AGREEMENT
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF NORTH ROYALTON**

This Agreement is made and entered into this _____ day of _____, 2017, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013 (Exhibit “A”), and the City of North Royalton (City), acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 20____ (Exhibit “B”).

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the “*Community Cost-Share Account*” that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, the purpose of the Community Cost-Share Account is to provide funding to assist the City with District-approved projects through the Community Cost Share Program; and

WHEREAS, the Community Cost-Share Program funds are used for construction, operation, and maintenance of the Local Stormwater System, including administrative costs directly associated with such projects as well as costs related to repair or upgrade; and

WHEREAS, the District supports the Community Cost-Share Big Creek Watershed 9-Element NPS Implementation project (the “Project”) as a Community Cost-Share project proposed by the City; and

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1.0 **City Obligations**

1.1 The City agrees to perform as follows:

1.1.1 Complete work as detailed in the District approved Community Cost-Share application. (Exhibit “C”)

1.1.2 Complete and submit Progress Reports when submitting Request for Payment as needed, or within 30 days of close of the Project, per Section 5.0 of the *Community Cost-Share Program Policy*.

- 1.1.3 Notify the City’s Watershed Team Leader at least 7 business days prior to the start of the Project.
 - 1.1.4 Meet with District staff when requested to review the Project status.
 - 1.1.5 Submit requests for approval to modify the budget, deadline, deliverables, or other components of the Project to the City’s Watershed Team Leader at least 30 business days prior to the desired date of execution of the modification.
- 1.2 Failure to meet any of the requirements listed in Article 1.1 may result in termination of this Agreement and reimbursement of disbursed funds to the District.

Article 2.0 District’s Obligations

- 2.1 The District agrees to perform as follows:
- 2.1.1. Allocate \$2,500.00 to the City for the Project from the City’s Community Cost-Share Account.
 - 2.1.2. Provide reimbursement of funds up to \$2,500.00 to the City within 60 days of receipt of a complete Request for Payment from the City, detailing costs related to the Project.
 - 2.1.3. Timely review and approval or disapproval of requests to modify the budget, deadline, deliverables, or other components of the Project.
 - 2.1.4. Acknowledge the City in presentations or publications related to the Project.

Article 3.0 Dispute Resolution

- 3.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.
- 3.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representative	City Representative
Senior Watershed Team Leader	Mark A. Schmitzer, P.E. City Engineer

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representative	City Representative
Director of Watershed Programs	Mark A. Schmitzer, P.E. City Engineer

- 3.03 If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 3.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.
- 3.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 4, Remedies, below.

Article 4 **Remedies**

- 4.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Article 5 **Counterpart Signatures**

- 5.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 6 **Governing Law**

- 6.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 7 **Disclaimer of Joint Venture**

- 7.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 8 **Authority to Execute**

8.01 Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Article 9 **Exhibits**

The following exhibits are attached hereto and incorporated herein:

Exhibit “A” – District Resolution

Exhibit “B” – City Ordinance/Resolution

Exhibit “C” – District-Approved Community Cost Share Application

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

The parties have executed this Agreement on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Julius Ciaccia
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF NORTH ROYALTON

By: _____
Robert A. Stefanik
Mayor

The Legal Form and Correctness of this Instrument is hereby Approved:

CITY OF NORTH ROYALTON

Thomas A. Kelly
Director of Law

This Instrument Prepared By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CITY OF NORTH ROYALTON

FOR

COMMUNITY COST-SHARE PROJECT: BIG
CREEK WATERSHED 9-ELEMENT NPS
IMPLEMENTATION

Total Approximate Cost: \$2,500.00

The legal form and correctness of the within
instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 114-13

Authorizing the Executive Director to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities.

WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

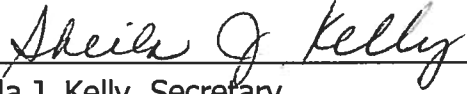
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.



Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District



Community Cost-Share Program APPLICATION

Member Community Information

Community: City of North Royalton

Primary Project Contact: Mark A. Schmitzer, P.E.
(Name & Title) City Engineer

Mailing Address: 14600 State Road
North Royalton, OH 44133

Phone Number: (440) 582-3001

Email: mschmitzer@northroyalton.org

Project Information

Project Title: Big Creek Watershed 9-Element NPS Impl

Address or Location of Project: Big Creek Watershed
North Royalton, OH

Project Start Date: 1/20/2017

Project End Date: 4/30/2017

Community Cost-Share Fund Request: \$2,500.00

Submission Date: 1/16/2017



Project Narrative

1) Project Summary (1,000 word maximum)

Describe the Project and include the following information, as applicable:

- Describe the Project and deliverables; provide a map if applicable
- Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
- List permitting requirements necessary to initiate and complete project and how the requirements will be met.

The City of North Royalton is supporting the efforts of West Creek Conservancy to complete the Big Creek Watershed NPSIS Plans. Through the support of City Community Cost Share funds, we are providing a local match contribution to the project, which has enabled West Creek Conservancy to leverage funds through the Ohio EPA 319 Program.

The NPSIS Plan will identify and prioritize projects within the City/watershed that enhance watershed sustainability and protect water quality; in doing so, these projects can then become eligible for certain Local/State/Federal funds.

West Creek Conservancy will coordinate efforts with the City and local stakeholders, as well as regional partners such as NEORSD in order to incorporate as many projects and priorities as possible.

No permitting requirements are needed at this time; this is a planning initiative.

Project is to be completed in a relatively expeditious timeframe; start upon NEORSD approval and a completed plan to OEPA by no later than April 30, 2017.



2) Ability to Provide Long Term Maintenance (500 word maximum)

Describe the plans for long-term maintenance, addressing the following question:

- Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?
- Provide documentation of scheduled maintenance and operation for completed stormwater project(s).

Long term maintenance is n/a at this time.

The NPSIS Plan is, however, a 'living' document and its continual updating is a task for West Creek Conservancy.



3) Visibility and Public Outreach: (500 word maximum)

Public outreach is required if appropriate for your project.

- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?

Public outreach is minimal for NPSIS Planning, relative to general public input. A majority of the outreach will be to stakeholders within the City, regional partners (e.g. Cleveland Metroparks, large landowners, County, NEORS, CCBH, CSWCD, etc.)

Through West Creek Conservancy, public input will be sought through social and print media platforms, public/community events, as well as organizational activities. West Creek Conservancy is coordinating such efforts across the entirety of the Big Creek watershed (inclusive of its respective municipalities, and their outreach will be completed in a systemic manner with clear watershed/water quality goals.



4) Budget Summary (500 words maximum)

The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.

The City is proposing to provide \$2,500 to West Creek Conservancy in order to complete the Big Creek Watershed NPSIS Plan.

The remainder of the funds are being provided by West Creek Conservancy and other municipalities in the region.



Vendor Registration

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing http://www.neorsd.org/isupplier_homepage.php and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

Project Budget

Project Expenses	Community Cost-Share Expense	Line Item Description
Professional Services	\$2,500.00	NPSIS Plan, Big Creek Watershed (North Royalton)
Personnel <i>(Member Community staff only)</i>		
Subcontract		
Equipment		
Materials		
Other		
TOTAL	\$ 2,500.00	

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH DIGIOIA SUBURBAN, AND DECLARING AN EMERGENCY

WHEREAS: There exists on property owned by DiGioia Suburban a main sanitary sewer line which serves for the collection of approximately sixty percent of the volume of Sewer Plant A; and

WHEREAS: The city must maintain this sewer line in good order for the health, safety and welfare of the community; and

WHEREAS: This sewer line was, over many years, subjected to deteriorating conditions including the exposure of the line from naturally occurring stream erosion and excessive pressure the result of improperly placed earth above, upon and adjoining the line by DiGioia; and

WHEREAS: In order to avoid an environmental incident, DiGioia assumed the responsibility to repair the line and, under city supervision, relocated and constructed a new line and added substantial improvements which have added significant value to the safety and protection of the line; and

WHEREAS: In making the repairs and improvements DiGioia expended in labor and materials a total of \$356,540; and

WHEREAS: DiGioia Suburban has made a claim against the city for the cost of improvements to the sanitary sewer line that exceeded the necessary repairs made by DiGioia Suburban, which improvements benefited the sewer line; and

WHEREAS: The proposed Settlement Agreement also allows for the creation and grant of an easement in perpetuity to the city for the sewer line and use of the roadway access over and upon DiGioia property; and

WHEREAS: The proposed Settlement Agreement provides for the expenditure of wastewater funds in the amount of \$100,000.00 to satisfy the outstanding claim noted above and the grant of an easement for both sewer line and roadway in perpetuity; and

WHEREAS: Council desires to authorize the Mayor to enter into this settlement agreement.

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

Section 1. The Mayor is hereby authorized to enter into a settlement agreement with DiGioia Suburban pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated as if fully rewritten.

Section 2. The Law Department is hereby authorized and directed to send a certified copy of this Ordinance to DiGioia Suburban.

Section 3. 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 4. 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 authorize the Mayor to enter into this settlement agreement.

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.

PRESIDENT OF COUNCIL APPROVED: _____
MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS: