

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **September 3, 2013, at 7:15 p.m.**

PRESENT: Council: President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert A. Stefanik, Law Director Thomas Kelly, Finance Director Karen Fegan, Community Development Director Thomas Jordan, Wastewater Supt. Tim Tigue, City Engineer Mark Schmitzer, Police Chief John Elek, Fire Chief Robert Chegan, Service Director Nick Cinquepalmi, Office on Aging Director Judith Willey, Safety Director Bruce Campbell.

Agenda reviewed.

Mr. Kelly reviewed with Council the two NEORSO agreements that are on the agenda and explained that these have been modified to ensure that the terms of our settlement agreement are met and will allow for the city to be reimbursed for work we perform in "C" district.

Mrs. Haller stated that she would like to remove Ordinance 13-106 from the Consent Agenda due to the fact that it needs to be amended to append the final version of Exhibit A.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **September 3, 2013 in regular session.** The meeting was called to order at **7:39 p.m.** by President of Council Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Council: President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert A. Stefanik, Law Director Thomas Kelly, Finance Director Karen Fegan, Community Development Director Thomas Jordan, Wastewater Supt. Tim Tigue, City Engineer Mark Schmitzer, Police Chief John Elek, Fire Chief Robert Chegan, Service Director Nick Cinquepalmi, Office on Aging Director Judith Willey, Safety Director Bruce Campbell.

CONSENT AGENDA

- a. Approval of Minutes: July 11, 2013 and July 16, 2013.
- b. Receipt and acknowledgement without objection to Ohio Dept. of Liquor Control request for a new D1 and D2 permit for Alligator Pie Pizzeria, LLC, 10021 West 130th Street.
- c. Legislation:

FIRST READING CONSIDERATION

RESOLUTION 13-97

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION ACKNOWLEDGING THE COMMUNITY SERVICE OF DAVID CENTNER.** Title read.

RESOLUTION 13-98

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION COMMENDING ZACHARY DAHMEN ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT.** Title read.

RESOLUTION 13-99

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION COMMENDING STEVEN HRITZ ON THE ATTAINMENT OF THE RANK OF EAGLE SCOUT.** Title read.

RESOLUTION 13-100

Introduced by: Mayor Stefanik. **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DALE GAUMAN AS A MEMBER OF THE CITY OF NORTH ROYALTON'S BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 13-101

Introduced by: Mayor Stefanik. **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT JANKOVSKY AS A MEMBER OF THE CITY OF NORTH ROYALTON'S BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 13-102

Introduced by: Mayor Stefanik. **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF LINDA WATKINS AS A MEMBER OF THE CITY OF NORTH ROYALTON'S ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY.** Title read.

ORDINANCE 13-103

Introduced by: Langshaw, Muller, Kasaris. **AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PROVIDING FOR THE PUBLICATION OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.** Title read.

RESOLUTION 13-104

Introduced by: Antoskiewicz, Petrusky, Langshaw. **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.

RESOLUTION 13-105

Introduced by: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik. **A RESOLUTION IN SUPPORT OF OHIO SB 17 WHICH PROPOSES TO INCREASE REGULATIONS ON OIL AND GAS DRILLING BY REQUIRING THAT ALL DRILLING CHEMICALS BEING USED MUST BE DISCLOSED TO HEALTHCARE PROFESSIONALS AND EMERGENCY RESPONDERS.** 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. Petrusky, seconded by Mr. Langshaw to **excuse Mr. Kasaris from voting on the July 11, 2013 minutes.** Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller). Nays: **None.** (Excused: Kasaris). **Motion carried.**

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee for those legislative items on the Consent Agenda.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None.** **Motion carried.**

COMMUNICATIONS: None.

MAYOR'S REPORT: No report.

DEPARTMENT HEAD REPORTS: No reports.

PRESIDENT OF COUNCIL REPORT: No report.

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.***

LEGISLATION**THIRD READING CONSIDERATION:** No action 13-85**SECOND READING CONSIDERATION****ORDINANCE 13-91**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR A REGIONAL STORMWATER MANAGEMENT PROGRAM, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-91 by replacing the original Exhibit A with the final version of Exhibit A.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-91 as amended.**

Mr. Kasaris stated that this legislation will permit us to be reimbursed for work we perform in "C" district.

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

ORDINANCE 13-94

AN ORDINANCE AMENDING ORDINANCE 10-103, STAFFING AND CLASSIFICATION PLAN FOR THE VARIOUS DEPARTMENTS OF THE CITY OF NORTH ROYALTON, SECTION 7, POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. Title read.

Placed on **third reading.**

ORDINANCE 13-95

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.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-95 by replacing the original Exhibit A with the final version of Exhibit A.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-95 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

FIRST READING CONSIDERATION (*13-97 through 13-105 were adopted under the approval of the Consent Agenda.*)

ORDINANCE 13-106

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. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-106 by replacing the original Exhibit A with the final version of Exhibit A.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-106 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-107

Introduced by: Antoskiewicz, Petrusky, Langshaw. **AN ORDINANCE AUTHORIZING THE PAYMENT OF A MORAL CLAIM TO BARNEY AND VICKI BUCHACEK OF THE CITY OF NORTH ROYALTON FOR AN AMOUNT NOT TO EXCEED \$2,700, 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 free of previous encumbrances in the **Wastewater Maintenance Fund #552.**

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-107.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-108

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (DISPATCHERS), 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-108.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-109

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 12-181 AS AMENDED BY ORDINANCES 13-10, 13-21, 13-44, 13-70 AND 13-83 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-109.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-110

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-110 by replacing the original Exhibit A with the final version of Exhibit A.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-110 as amended.** Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-111

Introduced by: Mayor Stefanik. **AN ORDINANCE GRANTING AN EASEMENT TO THE BOARD OF TRUSTEES OF THE CUYAHOGA COUNTY PUBLIC LIBRARY AND THE ROYALTON OFFICE CENTER CONDOMINIUMS UNIT OWNERS ASSOCIATION, INC. FOR USE OF A DRIVEWAY LOCATED ON A PORTION OF CITY OWNED PROPERTY, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-111**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-112

Introduced by: Mayor Stefanik. **AN ORDINANCE ACCEPTING THE PROPOSAL OF _____ FOR CRITERIA ARCHITECT SERVICES FOR THE NORTH ROYALTON CITY HALL PROJECT FOR AN AMOUNT NOT TO EXCEED \$ _____, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-112 by filling in the blank spaces for the architect firm with "Brandstetter, Carroll, Inc.", and the blanks for the amount of the proposal with "\$102,700.00"**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

Having approved the amendment for the final cost, Mrs. Haller read the following:

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 **Future Capital Improvement Fund #432**.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-112 as amended**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-113

Introduced by: Mayor Stefanik. **AN ORDINANCE GRANTING THE MAYOR AND FINANCE DIRECTOR AUTHORITY TO AGREE TO AND APPROVE CERTAIN CONTRACT CHANGES (CHANGE ORDER #2) RELATING TO THE WORK PERFORMED BY DIGIOIA SUBURBAN EXCAVATING, LLC., FOR THE BENNETT ROAD IMPROVEMENTS PROJECT, 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 **Bennett Road Fund #442**.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-113**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-114

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE YMCA OF GREATER CLEVELAND, 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** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-114**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

ORDINANCE 13-115

Introduced by: Petrusky, Antoskiewicz, Nickell, Langshaw. **AN ORDINANCE ACCEPTING THE DEDICATION OF 269 FEET OF RICHARD DRIVE IN THE VILLAS OF WORTHINGTON SUBDIVISION PHASE 2C FROM PRIDE ONE YORK ROYALTON LLC, AND DECLARING AN EMERGENCY.** Title read.

Placed on **second reading** and referred to the **Planning Commission and Streets Committee**.

MISCELLANEOUS

Diane Bringman, 7254 Akins Road addressed Council regarding a neighbor dispute over survey markers that have been placed on her property line that are protruding 18 inches above ground. She would like them put down to ground level and she has not been able to meet with any success in getting this done. She said she spoke with Mr. Kasaris who told her there is no legislation in place regarding this. She said she also has an issue with her fence line. She said the fence is on her property and has been for over 20 years. She said she is trying to maintain the fence by having it power washed and stained. She said that she can't work on the side facing the neighbor because they won't let her on to their property. She said that Section 971.08 of the Ohio Revised Code states she has access up to 10 feet to maintain her fence.

Community Development Director Thomas Jordan stated that Building Department will be in contact with her tomorrow relative to providing access to maintain the fence. He said that she is correct in that there is a provision in the state code regarding this. Mr. Jordan also stated that the above ground survey stakes are meant to be temporary and that iron pins are to be located on the four corners of the property. We will remind the neighbors that if they wish to have permanent markers placed, they should have those installed and remove the above ground stakes.

Mr. Antoskiewicz suggested that Mrs. Bringman meet with Mr. Jordan after the meeting to discuss this further and exchange contact information.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Kasaris to **adjourn the September 3, 2013 City Council meeting**. Roll Call: Yeas: **Seven** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris). Nays: **None. Motion carried.**

Meeting adjourned at 8:02 p.m.

APPROVED: /s/ Larry Antoskiewicz DATE APPROVED: September 17, 2013
PRESIDENT OF COUNCIL

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