

The Council of the City of North Royalton met in the North Royalton City Hall caucus room, 13834 Ridge Road on **February 19, 2013, at 7:15 p.m.**

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

Agenda reviewed.

Mr. Kasaris stated that he felt the penalty section in Ordinance 13-33 was too severe, and should be a fourth degree misdemeanor rather than a first degree misdemeanor. Discussion ensued with Council agreeing to amend the legislation from a first degree to a fourth degree misdemeanor. Discussion was had regarding how this Ordinance would affect someone who works on cars in their own driveway. Mrs. Vozar said that she believes that this ordinance does not target those types of vehicles, and also felt that there may be language either in our code or Ohio Revised Code that address the automotive "hobbyist". She said that she would look into this.

It was also agreed to amend Ordinance 13-31 to allow for \$9,600 to be added to this Change Order as discussed earlier this evening in the Utilities Committee.

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 13834 Ridge Road on **February 19, 2013 in regular session.** The meeting was called to order at 7:30 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, Paul Marnecheck, Steve Muller, Dan Kasaris, Legislative Services Director Laura Haller. **Administration:** Mayor Robert A. Stefanik, Law Director Thomas Kelly, Finance Director Karen Fegan, City Engineer Mark Schmitzer, Community Development Director Thomas Jordan, Wastewater Supt. Timothy Tigue, Nick Cinquepalmi, Police Chief John Elek, Safety Director Bruce Campbell, Office on Aging Director Judith Willey.

**ABSENT:** Councilman Don Willey, Fire Chief Robert Chegan.

Moved by Mr. Kasaris, seconded by Mr. Petrusky **to excuse Mr. Willey.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None.** (Absent: Willey). **Motion carried.**

#### **CONSENT AGENDA**

- a. Approval of Minutes: February 5, 2013 minutes.
- b. Legislation:

#### **FIRST READING CONSIDERATION**

##### **RESOLUTION 13-27**

Introduced by: Mayor Stefanik. **A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF IRIS ZIELINSKI TO THE CITY RECORDS COMMISSION, AND DECLARING AN EMERGENCY.** Title read.

##### **RESOLUTION 13-28**

Introduced by: Mayor Stefanik, Petrusky. **A RESOLUTION REAFFIRMING THE CITY OF NORTH ROYALTON'S CONTINUED PARTICIPATION IN THE OHIO POLICE AND FIRE PENSION PICK UP PLAN, AND DECLARING AN EMERGENCY.** Title read.

**RESOLUTION 13-29**

Introduced by: Mayor Stefanik, Petrusky. **A RESOLUTION REAFFIRMING THE CITY OF NORTH ROYALTON'S CONTINUED PARTICIPATION IN THE OHIO POLICE AND FIRE PENSION PICK UP PLAN, 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. Petrusky to **suspend the rules requiring three readings and referral to committee for those legislative items on the agenda.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None.** (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt the Consent Agenda as presented and read.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None.** (Absent: Willey). **Motion carried.**

**COMMUNICATIONS:** None.

**MAYOR'S REPORT:**

The Mayor introduced Joseph Benny, Special Projects Coordinator for Congressman Renacci. Mr. Benny gave a brief overview of his duties with the Congressman's office and encouraged anyone needing his services to contact him.

**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.**

**PUBLIC DISCUSSION**

Kevin Wallenhorst, 15044 Highland Drive, addressed Council regarding Ordinance 13-33 and 12-34 pertaining to storage of abandoned vehicles. He stated that he works on antique cars and sometimes has "parts" cars which are not operable and he has no intention of ever plating them. He is concerned that he will be in violation of this code and have his vehicles towed and cited. He felt that it was a strong penalty and that there is no due process.

**LEGISLATION****FIRST READING CONSIDERATION**

*13-27 through 13-29 were adopted under the approval of the Consent Agenda.*

**ORDINANCE 13-30**

Introduced by: Mayor Stefanik. **AN ORDINANCE AMENDING ORDINANCE 12-197, ESTABLISHING RATES OF COMPENSATION FOR THE CITY OF NORTH ROYALTON NON-UNION EMPLOYEES DURING CALENDAR YEAR 2013-2015, 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: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None.** (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-30.**

Mr. Kasaris said he feels that it is very prudent to make the move of bringing more of the I.T. duties in-house. The salary increase is due to more work being put on one person.

Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.**

#### ORDINANCE 13-31

Introduced by: Mayor Stefanik. **AN ORDINANCE GRANTING THE MAYOR AND FINANCE DIRECTOR AUTHORITY TO AGREE TO AND APPROVE CERTAIN CONTRACT CHANGES (CHANGE ORDER #1) RELATING TO THE WORK PERFORMED BY FABRIZI TRUCKING & PAVING CO. INC. FOR THE EMERGENCY REPAIR OF A STORM SEWER PIPE AT 14300 RIDGE ROAD, 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 **Stormwater and Drainage Fund #433.**

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **amend Ordinance 13-13** as follows:

- Section 2. The total cost of the amended items shall be ~~\$53,095.00~~ **\$62,695.00**, for a new contract amount of ~~\$153,095.00~~ **\$162,695.00** as outlined in Exhibit A attached hereto and incorporated herein as if fully rewritten.
- Replace the original Exhibit A with the amended Exhibit A.

Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-31 as amended.**

Mr. Kasaris said that Mr. Schmitzer did an excellent job on this project. He said there was pipe crushed by 30 feet of dirt and there was no other way to do this.

Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.**

#### ORDINANCE 13-32

Introduced by: Mayor Stefanik. **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A CONTRACT WITH RICHARD L. BOWEN + ASSOCIATES, INC., AS CONSULTING ENGINEER TO PROVIDE ENGINEERING SERVICES FOR THE CITY OF NORTH ROYALTON, 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: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-32.** Roll Call: Yeas: Five (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller). Nays: **One**. (Kasaris) (Absent: Willey). **Motion carried.**

#### ORDINANCE 13-33

Introduced by: Marnecheck, Nickell, Petrusky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART SIX, GENERAL OFFENSES CODE, CHAPTER 660 SAFETY, SANITATION AND HEALTH, SECTION 660.07 STORAGE OF JUNK VEHICLES, 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: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to amend Ordinance 13-33, Exhibit A as follows:

(b)(c) Whoever violates this section is guilty of a ~~minor~~ **first fourth degree** misdemeanor.

Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-33 as amended.**

Mrs. Vozar explained that due process requires that there be notice and an opportunity to be heard, and this ordinance provides for this. It should also be noted that in order for someone to be criminally cited, they would have to ignore the notices given. Mrs. Vozar said that due process is satisfied in this case.

Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.**

#### **ORDINANCE 13-34**

Introduced by: Marnecheck, Nickell, Petrusky. **AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE, PLANNING AND ZONING CODE, CHAPTER 1260 GENERAL PROVISIONS AND DEFINITIONS, SECTION 1260.17 OPEN STORAGE AND ABANDONED MOTOR VEHICLES PROHIBITED, 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: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.** Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 13-34.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.**

#### **ADJOURNMENT**

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adjourn the February 19, 2013 City Council Meeting.** Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Marnecheck, Muller, Kasaris). Nays: **None**. (Absent: Willey). **Motion carried.**

**Meeting adjourned at 7:49 p.m.**

APPROVED: /s/ Larry Antoskiewicz DATE APPROVED: March 5, 2013  
PRESIDENT OF COUNCIL

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