



## City of Strongsville

16099 Foltz Parkway  
Strongsville, Ohio 44149-5598  
Phone: 440-580-3110  
Council Office Fax: 440-572-1648  
[www.strongsville.org](http://www.strongsville.org)

January 2, 2014

### City Council

Michael J. Daymut  
President of Council  
Ward 1

Matthew A. Schonhut  
Ward 2

James E. Carbone  
Ward 3

J. Scott Maloney  
Ward 4

Joseph C. DeMio  
At-Large

Kenneth M. Dooner  
President Pro Tem  
At-Large

Duke Southworth  
At-Large

Leslie J. Seefried, MMC  
Clerk of Council  
[leslie.seefried@strongsville.org](mailto:leslie.seefried@strongsville.org)

### MEETING NOTICE

City Council has scheduled the following meetings for **Monday, January 6, 2014**, to be held in the Caucus Room and the Council Chamber at the ***Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road***:

**Caucus will begin at 7:15 p.m.** All committees listed will meet immediately following the previous committee:

**7:15 P.M.**

**Communications and Technology Committee** will meet to discuss Ordinance Nos. 2014-001, 2014-002, 2014-003 and 2014-004.

**Economic Development Committee** will meet to discuss items pertinent to the Committee.

**Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2013-226 and 2013-261.

**Public Service and Conservation Committee** will meet to discuss Ordinance Nos. 2013-223, 2013-224 and 2013-225, and Resolution Nos. 2014-005 and 2014-006.

**Recreation and Community Services Committee** will meet to discuss Ordinance No. 2014-007.

**Committee of the Whole** will consider a motion to adjourn into **Executive Session** for the purpose of discussing the employment and compensation of public employees.

**8:00 P.M.**

**Organizational and Regular Council Meeting**

Any other matters that may properly come before this Council may also be discussed.

**BY ORDER OF THE COUNCIL:**

Leslie J. Seefried, MMC  
Clerk of Council

**ORGANIZATIONAL AND REGULAR  
STRONGSVILLE CITY COUNCIL MEETING**

**MONDAY, JANUARY 6, 2014 AT 8:00 P.M.**  
Mike Kalinich Sr. City Council Chamber  
18688 Royalton Road, Strongsville, Ohio

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***The Oath of Office will be administered to re-elected At-Large Council Members immediately preceding tonight's Organizational and Regular Council Meeting.***

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**AGENDA**

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. ORGANIZATION:
  - A. Election of Council President
  - B. Election of Council President Pro Tem
  - C. Appointment of Council Representative to Planning Commission
  - D. Appointment of Council Representative to Southwest General Health Center Board of Trustees
  - E. Appointment of Council Representative to Strongsville School Board
  - F. Appointment of Standing Council Committees
6. COMMENTS ON MINUTES:
  - Regular Council Meeting – December 16, 2013
7. APPOINTMENTS AND CONFIRMATIONS:
  - Oath of Office administered to newly elected Council President
  - Oath of Office administered to newly elected Council President Pro Tem
  - Oath of Office administered to four (4) newly-appointed Patrol Officers for the Police Department: Patrick J. Cully; Eric S. Schubert; Zaki R. Hazou; and Aaron M. Plut
  - Mayor's re-appointment and Council confirmation of Kenneth D. Evans to a four (4) year term as a member of the City's Board of Zoning Appeals, effective January 17, 2014 and expiring January 16, 2018

8. PUBLIC HEARING:

Ordinance No. 2013-214. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8422 PEARL ROAD (PART OF PPN 395-05-012), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (Nicholas North America, Owner. Proposed use consistent with a general business zoning district.) *First reading 10-07-13. Favorable recommendation by Planning Commission 11-07-13.*

Ordinance No. 2013-241. AN ORDINANCE AMENDING SECTION 1256.04 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING YARD REGULATIONS IN A PUBLIC FACILITIES DISTRICT. *First reading 11-04-13. Favorable recommendation by Planning Commission 11-07-13.*

9. REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:

SCHOOL BOARD – Mr. Carbone:

BUILDING AND UTILITIES – Mr. Schonhut:

COMMUNICATIONS AND TECHNOLOGY – Mr. Dooner:

ECONOMIC DEVELOPMENT – Mr. Daymut:

FINANCE – Mr. Dooner:

PLANNING, ZONING AND ENGINEERING – Mr. Maloney:

PUBLIC SAFETY AND HEALTH – Mr. DeMio:

PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:

RECREATION AND COMMUNITY SERVICES – Mr. Southworth:

COMMITTEE-OF-THE-WHOLE – Mr. Daymut:

10. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS  
OF DEPARTMENTS AND OTHER OFFICERS:

MAYOR PERCIAK:

FINANCE DEPARTMENT - Mr. Dubovec:

LAW DEPARTMENT- Mr. Kraus:

11. AUDIENCE PARTICIPATION:

12. ORDINANCES AND RESOLUTIONS:

Ordinance No. 2013-223 by Mayor Perciak, Mr. Maloney and Mr. Carbone. AN ORDINANCE AMENDING CHAPTER 1023 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING THE SHADE TREE COMMISSION. *First reading 10-21-13. Second reading 11-04-13.*

Ordinance No. 2013-224 by Mayor Perciak, Mr. Maloney and Mr. Carbone. AN ORDINANCE AMENDING SECTION 1024.01, ENACTING A NEW SECTION 1024.02, AND RENUMBERING ALL REMAINING SECTIONS OF CHAPTER 1024 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, REGULATING TREE PLANTING AND MANAGEMENT. *First reading 10-21-13. Second reading 11-04-13.*

Ordinance No. 2013-225 by Mayor Perciak, Mr. Maloney and Mr. Carbone. AN ORDINANCE AMENDING SECTIONS 1025.02, 1025.03, 1025.06 AND 1025.07 OF CHAPTER 1025 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING TREE PRESERVATION. *First reading 10-21-13. Second reading 11-04-13.*

Ordinance No. 2013-226 by Mayor Perciak, Mr. Maloney and Mr. Carbone. AN ORDINANCE AMENDING SECTION 1228.01 OF TITLE FOUR OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING SUBDIVISION TREE FEES. *First reading 10-21-13. Favorable recommendation by PC 10-24-13. Second reading 11-04-13. Public Hearing 12-16-13.*

Ordinance No. 2013-261 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Strongsville Falling Water II, LTD., Owner. Proposed use: Hotel – Hampton Inn & Suites.) *First reading 11-18-13. Unfavorable recommendation by Planning Commission 12-19-13.*



Ordinance No. 2014-001 by Mayor Perciak and Mr. Dooner. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR NETWORK ENGINEERING, INSTALLATION, CONFIGURATION, ANALYSIS AND PLANNING, IP PHONE SERVICES AND MISCELLANEOUS NETWORK SERVICES IN SUPPORT OF THE CITY'S OVERALL VOICE AND DATA NETWORK; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Ordinance No. 2014-002 by Mr. Dooner. AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF COMPUTER, PRINTER, SCANNER, NETWORKING HARDWARE AND SUPPLIES, IN SUPPORT OF THE CITY'S TECHNOLOGY NEEDS, BY THE DIRECTOR OF COMMUNICATION & TECHNOLOGY THROUGH CDW GOVERNMENT, LLC; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Ordinance No. 2014-003 by Mr. Dooner. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF SOFTWARE MAINTENANCE AND SYSTEM UPGRADE SERVICES IN SUPPORT OF THE CITY'S DATA SYSTEMS; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Ordinance No. 2014-004 by Mayor Perciak and Mr. Dooner. AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF COMPUTER HARDWARE AND OTHER PRODUCTS, PARTS AND ACCESSORIES, AND REPAIR SERVICES BY THE DIRECTOR OF COMMUNICATION & TECHNOLOGY THROUGH DELL MARKETING L.P.; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Resolution No. 2014-005 by Mayor Perciak and Mr. Carbone. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE LEASE TO OWN AND/OR PURCHASE OF UP TO FOUR 8,500 LBS. GVW PICKUP TRUCKS, ONE 12,800 LBS. GVW PICKUP TRUCK, AND UP TO FOUR 18,000 LBS. GVW CAB AND CHASSIS TRUCKS, TO BE USED BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE.

Resolution No. 2014-006 by Mr. Carbone. A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS AND TO TRANSFER AND EXCHANGE OTHER CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. [Keaton]

Ordinance No. 2014-007 by Mayor Perciak and M. Southworth. AN ORDINANCE RATIFYING AND AUTHORIZING THE MAYOR TO ACCEPT FUNDING AND ENTER INTO A GRANT AGREEMENT ON BEHALF OF THE CITY OF STRONGSVILLE FROM CUYAHOGA ARTS & CULTURE FOR MATCHING FUNDS FOR AN ARTS PROGRAM AT THE EHRLFELT SENIOR CENTER, AND DECLARING AN EMERGENCY.

13. COMMUNICATIONS, PETITIONS AND CLAIMS:

14. MISCELLANEOUS BUSINESS:

15. ADJOURNMENT:

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2013 - 214**

**By: Mr. Maloney**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8422 PEARL ROAD (PART OF PPN 395-05-012), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION.**

WHEREAS, the owner of certain property located at the back of 8422 Pearl Road, being part of permanent parcel number 395-05-012, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) classification to GB (General Business) classification; and

WHEREAS, Article VIII, Section 6 of the City Charter provides that neither the Council, the Mayor, any Board, including Board of Appeals, or Commission appointed pursuant to this Charter, or any ordinance or resolution of this Municipality, nor any other agent, employee, person or organization acting for or on behalf of this Municipality, by whatever authority or purported authority, shall by ordinance, resolution, motion, proclamation, statement, legislative or administrative action, or variance effect a change in the zoning classification or district of any property or area in the City of Strongsville from R1-75 (One Family 75) or R1-100 (One Family 100) commonly known as single family residential, or by whatever other name called, to any other zoning classification or district unless the change or grant, after adoption in accordance with applicable administrative and/or legislative procedures, is approved at a regularly scheduled election by a majority vote of the electors voting thereon, in the City of Strongsville and in each ward in which the change is applicable to property in the ward;

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

**Section 1.** That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification from R1-75 (One Family 75) classification to GB (General Business) classification, of certain property described in Exhibit "A" and depicted in Exhibit B, attached hereto and incorporated herein as if fully rewritten; provided that such amendment is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville and in each ward in which the change is applicable to the property in the ward.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2013 - 214  
Page 2

**Section 2.** That, after approval by the electors as set forth in Section 1 above, the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

**Section 3.** That 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.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: October 7, 2013 Referred to Planning Commission

Second reading: November 18, 2013 Favorable Recommendation by PC

Third reading: \_\_\_\_\_ Approved: November 7, 2013

Public Hearing: January 6, 2014

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-214 Removed: \_\_\_\_\_  
1st Rdg. 10-07-13 Ref: PC/PZE  
2nd Rdg. 11-18-13 Ref: PZE  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_  
Pub Hrg. 01-06-14 Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**PROPERTY DESCRIPTION FORM**

Ordinance Number: 2013-214

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: 8422 Pearl Road, Strongsville, Ohio 44136

Permanent Parcel No.: 395-05-012

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.)  
Pearl Road on the Southeast. Property is land-locked on all other sides.

Number and type of buildings which now occupy property (if any): 1 personal residence

Acreage: 2.1057

Said property (has)(had) the following deed restrictions affecting the use thereof (attach copy):  
N/A

Said deed restrictions (will) (have) expire(d) on: N/A

Said property is presently under lease or otherwise encumbered as follows: (1) Mortgage to Ameriquet Mortgage Company in the amount of \$35,600 filed as Instrument 200508170636, and (2) Mortgage to Ameriquet Mortgage Company in the amount of \$142,400 filed as Instrument 200508170635

Owner(s)  
1. Nicholas North America  
2. \_\_\_\_\_  
3. \_\_\_\_\_

Percent of Ownership:  
\_\_\_\_\_ 100 \_\_\_\_\_ %  
\_\_\_\_\_ %  
\_\_\_\_\_ %

[Signature]  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )



Signed to and subscribed to in my presence this 6 day of September, 2013

**NICHOLAS R. CATANZARITE,**  
**Attorney At Law**  
**Notary Public, State of Ohio**  
**My commission has**  
**no expiration date.**  
**Section 147.03 O.R.C.**

[Signature]  
Notary Public

My commission expires: never

\* Please pay particular attention to the details in item number 5 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

**PETITION FOR ZONING CHANGE**

Ordinance Number: 2013-214

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class R1-75 use to a class GB use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The property is located within a commercial district and the highest and best use of the property is a use consistent with a general business zoning designation.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: It is consistent with the current use of immediately surrounding properties.

Please list other supporting documents (if any) which accompany this petition:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

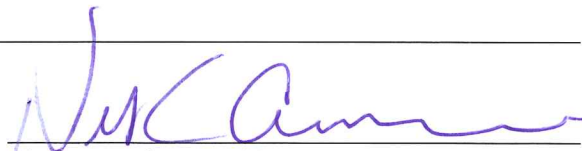
THE PROPOSED USE OF THE PROPERTY IS: A use consistent with a general business zoning district.

Name, address and **telephone number** of applicant or applicant's agent:

Name: Nicholas R. Catanzarite

Address: 1301 E. 9<sup>th</sup> Street, Suite 3500, Cleveland, OH 44114

Telephone Number: 216-928-2981


  
Signature of Owner(s)

State of Ohio           )  
County of Cuyahoga   )

SWORN TO AND SUBSCRIBED in my presence this 6 day of September, 2013



**NICHOLAS R. CATANZARITE,**  
**Attorney At Law**  
**Notary Public, State of Ohio**  
**My commission has**  
**no expiration date.**  
**Section 147.03 O.R.C.**

  
Notary Public  
My commission expires: never

\* Please pay particular attention to the number 5 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

# The Western Reserve Surveying Co.

4705 STATE ROAD  
CLEVELAND, OHIO 44109  
PHONE: 216 / 741-0110 741-3243  
FAX: 216 / 741-3926

A-4209  
September 24, 2013

## LEGAL DESCRIPTION OF PARCEL ZONED R1-75

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Original Strongsville Township Lot No. 50 and more fully described as follows:

Beginning in the centerline of Pearl Road, aka Wooster Pike (width varies), at a point distant North  $31^{\circ}-39'-20''$  East along said centerline of Pearl Road, 440.00 feet from its intersection with the centerline of Strongsville Boulevard (60 feet wide), as shown dedicated in Volume 111 of Maps, Page 16 of Cuyahoga County Records, said place of beginning being also the most Southerly corner of a parcel of land conveyed to Parkside Towers Apartments by deed recorded in Volume 12908, Page 143 of Cuyahoga County Records;

Thence North  $58^{\circ}-20'-40''$  West along the Southwesterly line of said parcel conveyed to Parkside Towers Apartments 350.00 feet to a point and the principal place of beginning;

Thence South  $31^{\circ}-39'-20''$  West parallal with the centerline of Pearl Road, as aforesaid, 133.05 feet to the Northeasterly line of a parcel of land conveyed to George Papas by deed recorded in Volume 86-5336, Page 40 of Cuyahoga County Records;

Thence North  $63^{\circ}-44'-18''$  West along the Northeasterly line of said land conveyed to George Papas, 343.06 feet to a point;

Thence North  $31^{\circ}-39'-20''$  East, 165.31 feet to a point in the Southwesterly line of said land conveyed to Parkside Towers Apartments;

Thence South  $58^{\circ}-20'-40''$  East along said Southwesterly line of land conveyed to Parkside Towers Apartments 341.52 feet to a point and the principal place of beginning and containing 1.1696 acres of land, be the same more or less, but subject to all legal highways.

**EXHIBIT A**



# LEGEND:

- - INDICATES 5/8"  $\phi$  IRON PIN WITH CAP SET UNLESS NOTED

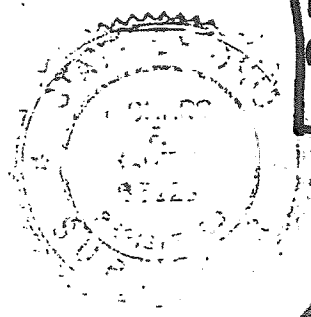
# MAP OF SURVEY

FOR

NICHOLAS NORTH AMERICA

SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO 50

Portion to be re-zoned from R1-75 to GB



5/8"  $\phi$  I. PIN FND.  
0.31'S, 0.40'W.

3/4" I. PIPE FND.  
0.07'N, 0.15'E

N 31°-39'-20" E

165.31' DEED & USED

N 63°-44'-18" W

691.52' DEED & USED

P.P.N. 395-05-012  
NICHOLAS NORTH AMERICA  
A.F.N. 20050870632  
C.C.D.R.

P.P.N. 395-05-003  
WORKSIDE TOWERS APARTMENT  
VOL. 12908, PG. 143  
C.C.D.R.

HN. 8422

P.P.N. 395-05-019  
GEORGE PAPAS  
VOL. 86-5336, PG. 40  
C.C.D.R.

694.62' DEED & USED

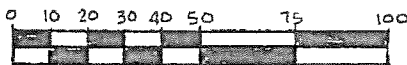
319.69'

318.27'

S 58°-28'-40" E

335

The Western Reserve  
Surveying Co.  
CLEVELAND, OHIO



SCALE IN FEET  
SCALE: 1" = 50'  
SEPT. 2005

STRONGSVILLE BLVD.

R/W

1/2"  $\phi$  I. PIN  
MON. FND. @ 0.55'

580.00'

1"  $\phi$  I. PIN MON. FND.

340.00' REC. & USED

100.00' DEED & USED

440.00' DEED & USED

1385.21' REC. & USED

931°-39'-20"W

2567.88' OBS.

PEARL ROAD (WIDTH VARIES)  
FORMERLY WOOSTER PIKE RD.

1"  $\phi$  I. PIN MON. FND. & USED @ P.C.

EXHIBIT B



**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

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**TO:** Planning Commission  
**FROM:** Leslie Seefried, Clerk of Council  
**DATE:** October 8, 2013  
**SUBJECT:** Referral from Council: Ordinance No. 2013-214

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At its regular meeting of October 7, 2013, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2013-214 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8422 PEARL ROAD (PART OF PPN 395-05-012), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (Nicholas North America, Owner. Proposed use consistent with a general business zoning district.) *First reading 10-07-13.*

A copy of the ordinance is attached for Planning Commission review.

LJS  
Attachment

## MEMORANDUM



**TO:** Leslie Seefried, Council Clerk  
Ken Kraus, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** November 8, 2013

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Please be advised that at its meeting of November 7, 2013 the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2013-214**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 8422 Pearl Road (Part of PPN 395-05-012), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

### **ORDINANCE NO. 2013-241**

An Ordinance Amending Section 1256.04 of Title Six Part Twelve-Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville concerning Yard Regulations in a Public Facilities District.

**Legal Advertisement**

**CITY OF STRONGSVILLE, OHIO**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be conducted by the Council of the City of Strongsville on **Monday, January 6, 2014 at 8:00 p.m., current time**, in the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, Strongsville, Ohio, upon the following Ordinance, which has been introduced in and is currently pending before the Council, entitled:

Ordinance No. 2013-214. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8422 PEARL ROAD (PART OF PPN 395-05-012), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (Nicholas North America, Owner. Proposed use consistent with a general business zoning district.) *First reading 10-07-13. Favorable recommendation by Planning Commission 11-07-13. Second reading 11-18-13.*

The ordinance is on file in the office of the Clerk of Council at the Strongsville Service Center, 16099 Foltz Parkway, Strongsville, Ohio, for public inspection.

Any person desiring to be heard on the subject of the proposed rezoning, or who may wish to object thereto, may appear at the time and place set forth above.

**BY ORDER OF THE COUNCIL OF THE CITY OF STRONGSVILLE, OHIO:**

Leslie J. Seefried, MMC  
Clerk of Council

**Editor's Note:** To be published in the Strongsville Post on  
**December 7 and December 14, 2013.**

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 – 241

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE AMENDING SECTION 1256.04 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING YARD REGULATIONS IN A PUBLIC FACILITIES DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Section 1256.04 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

\* \* \*

**1256.04 YARD REGULATIONS.**

(a) Front Yards. The front yard setback shall be not less than the required front yard setback for any adjacent use district.

(b) Side and Rear Yards. The yards for each public facility building shall be not less than the criteria set forth in the following schedule ~~when adjacent to any One or Two-Family Residential District:~~

Main Buildings and Uses	Minimum Yard – Side and Rear (ft.)	
	Adjacent to Residential Districts	Adjacent to Non-Residential Districts
Governmental: Administrative Buildings	50	10
Civic: Nonassembly Buildings, Assembly Buildings and Churches	50 75 50	10 20 10
Educational: Public, Private and Parochial Schools	75	10
Welfare: General Hospitals, Special Hospitals and Homes for Children and the Aged	75 200 50	20 30 10
Recreational: Buildings	75	10

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2013 – 241  
Page 2

(c) Open Uses. Driveways and parking areas serving the public facility may be located within the side or rear yard set forth in the above schedule, but driveways shall be located not less than ten feet and parking areas not less than twenty feet from any adjacent lot line, and play areas shall not be located less than fifty feet from any adjacent boundary line of a Residential District.

~~(Ord. 1978-165. Passed 10-16-78.)~~

\* \* \*

**Section 2.** That 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 of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: November 4, 2013

Referred to Planning Commission

Second reading: November 18, 2013

Favorable Recommendation by PC

Third reading: \_\_\_\_\_

Approved: November 7, 2013

Public Hearing: January 6, 2014

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_

Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No.	<u>2013-241</u>	Removed:	_____
1st Rdg.	<u>11-04-13</u>	Ref:	<u>PC/P2E</u>
2nd Rdg.	<u>11-18-13</u>	Ref:	<u>P2E</u>
3rd Rdg.	_____	Red:	_____

Pub Hrg.	<u>01-06-14</u>	Ref:	_____
Adopted:	_____	Defeated:	_____

**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

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**TO:** Planning Commission  
**FROM:** Leslie Seefried, Clerk of Council  
**DATE:** November 5, 2013  
**SUBJECT:** Referral from Council: Ordinance No. 2013-241

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At its regular meeting of November 4, 2013, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2013-241 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AMENDING SECTION 1256.04 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING YARD REGULATIONS IN A PUBLIC FACILITIES DISTRICT. *First reading 11-04-13.*

A copy of the ordinance is attached for Planning Commission review.

LJS  
Attachment



## MEMORANDUM



**TO:** Leslie Seefried, Council Clerk  
Ken Kraus, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** November 8, 2013

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Please be advised that at its meeting of November 7, 2013 the Strongsville Planning Commission gave Favorable Recommendation to the following;

**ORDINANCE NO. 2013-214**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 8422 Pearl Road (Part of PPN 395-05-012), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

**ORDINANCE NO. 2013-241**

An Ordinance Amending Section 1256.04 of Title Six Part Twelve-Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville concerning Yard Regulations in a Public Facilities District.

**Legal Advertisement**

**CITY OF STRONGSVILLE, OHIO**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be conducted by the Council of the City of Strongsville on **Monday, January 6, 2014 at 8:00 p.m., current time**, in the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, Strongsville, Ohio, upon the following Ordinance, which has been introduced in and is currently pending before the Council, entitled:

Ordinance No. 2013-241. AN ORDINANCE AMENDING SECTION 1256.04 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING YARD REGULATIONS IN A PUBLIC FACILITIES DISTRICT. *First reading 11-04-13. Favorable recommendation by Planning Commission 11-07-13. Second reading 11-18-13.*

The ordinance is on file in the office of the Clerk of Council at the Strongsville Service Center, 16099 Foltz Parkway, Strongsville, Ohio, for public inspection.

Any person desiring to be heard on the subject of the proposed amendment, or who may wish to object thereto, may appear at the time and place set forth above.

**BY ORDER OF THE COUNCIL OF THE CITY OF STRONGSVILLE, OHIO:**

Leslie J. Seefried, MMC  
Clerk of Council

**Editor's Note:** To be published in the Strongsville Post on  
**December 7 and December 14, 2013.**



## Leslie Seefried

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**To:** Tami Cassidy (tdial@thepostnewspapers.com)  
**Cc:** Tina Ford  
**Subject:** Legal Ads for December 7 and December 14 Strongsville Post  
**Attachments:** Legal Ad-Ordinance 2013-214.doc; Legal Ad-Ordinance 2013-241.doc

Good morning Tami,

Attached are two (2) Legal Ads that I would like to have published in the **DECEMBER 7 AND DECEMBER 14, 2013** editions of the Strongsville Post.

Please reply to confirm that you have received this email.

When available, please send me a copy of the proof of the ads, and the pricing for each ad.

As always, please forward your billing statement to The City of Strongsville, Attention Accounts Payable, 16099 Foltz Parkway, Strongsville, Ohio 44149.

Thanks, and have a great day!

*Leslie J. Seefried*

Leslie J. Seefried, MMC  
Clerk of Council  
City of Strongsville, Ohio  
16099 Foltz Parkway  
Strongsville, OH 44149-5598  
Direct Dial: (440) 580-3111  
Fax: (440) 572-1648  
Email: [leslie.seefried@strongsville.org](mailto:leslie.seefried@strongsville.org)  
Website: [www.strongsville.org](http://www.strongsville.org)



Please consider the environment before printing this email.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 - 223

By: Mayor Perciak, Mr. Maloney and Mr. Carbone

AN ORDINANCE AMENDING CHAPTER 1023 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING THE SHADE TREE COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Chapter 1023 of Title Two of Part Ten-Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**CHAPTER 1023**  
**Shade Tree Commission**

1023.01	Establishment; composition.
1023.02	Terms of office; vacancies.
<del>1023.03</del>	<del>Compensation.</del>
1023.0403	Powers and responsibilities.
1023.0504	Operation.
1023.0605	Tree Fund Account.
1023.0706	Planting and maintaining subdivision trees.
1023.0807	Tree fees.
1023.0908	Appeals.

**1023.01 ESTABLISHMENT; COMPOSITION.**

There is hereby established a Shade Tree Commission for the City of Strongsville, which Commission shall consist of seven members as follows: City Forester **Coordinator of Natural Resources**, Director of Public Service or an employee of the Service Department designated by the Director, the City Engineer or an employee of the Engineering Department designated by the City Engineer, and four residents of the City who shall be appointed by the Mayor **and serve without compensation.** The Mayor and the Council representative to the Planning Commission shall be non-voting ad hoc members. In addition, the Commission shall have the right to call in consultants as it sees fit, provided that funds have been appropriated therefor. Four voting members shall constitute a quorum at any meeting. No meeting may be held without a quorum being present. No approval or favorable recommendation of the commission shall be deemed granted unless concurred in by a majority of the voting members present at the meeting. (~~Ord. 2001-31. Passed 9-17-04.~~)

**1023.02 TERMS OF OFFICE; VACANCIES.**

The term of the four residents to be appointed by the Mayor shall be three years, except that the term of three of the members appointed to the first Shade Tree Commission shall be only one, two, and three years in order of their appointment. If a vacancy occurs during the term of any such member, his or her successor shall be appointed by the Mayor for the unexpired portion of such term. (~~Ord. 2001-31. Passed 9-17-01.~~)

**1023.03 ~~COMPENSATION.~~**

~~Council shall set the compensation of the members of the Shade Tree Commission. (Ord. 2001-31. Passed 9-17-01.)~~

**1023.0403 POWERS AND RESPONSIBILITIES.**

(a) ~~The Shade Tree Commission shall have the power to study, investigate, plan, advise, report and recommend to Council, the Building Commissioner, the City Engineer, the Architectural Review Board, the Planning Commission or the Mayor any action, program, plan or legislation which the Commission finds or determines to be necessary or advisable for the care, preservation, trimming, planting, replanting, maintaining, protecting, promoting, removing, or disposing of trees and shrubs in public ways, curb strips, streets, alleys, on City property and on private property. The Commission is authorized to develop, update and maintain a written plan for the care, preservation, and planting of trees and shrubs in public places. Such plan and any revisions thereto shall be presented to the Council for approval. Upon approval, the plan shall constitute the Master Shade Tree Plan for the City of Strongsville.~~ **The Shade Tree Commission shall have the authority to study, investigate, review, and make recommendations in regard to any grant applications and requests referred to it by the City Coordinator of Natural Resources, and to review and make recommendations in order to ensure that the City maintains its certifications and designations, such as a Tree City U.S.A.**

~~(b) The Commission, when requested by Council, the Mayor, City Engineer, Planning Commission, or Building Commissioner, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.~~

~~(c) The Commission shall make recommendations to the Planning Commission, and the Planning Commission shall decide on the type and number of trees to be planted for each new subdivision, at the time that the subdivision receives final approval by the Planning Commission for record purposes, as set out in the City's Planning and Zoning Code.~~

~~(db) The Commission shall act as the appellate board for any decision pursuant to Section 606.28 of the Codified Ordinances.~~

~~(ec) The Commission shall act as the appellate board for any decision of the Director of Public Service, City Forester~~ **Coordinator of Natural Resources**, or other City official or board or commission as set out in Chapters 1024 and 1025 of the Codified Ordinances.

(fd) ~~The Commission shall have such other duties and authority as conferred upon it in this Chapter 1023, Chapter 1024, Chapter 1025 or as otherwise conferred upon it by Council.~~ **The Shade Tree Commission shall assist the City Coordinator of Natural Resources when requested in regard to planning community activities such as the Arbor Day Celebration and other special events.**

(e) **In all other respects, the Commission shall have only such other duties and authority as specifically conferred upon it in the Codified Ordinances or by Council.**

~~(Ord. 2001-31. Passed 9-17-01.)~~

#### **1023.0504 OPERATION.**

The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. In the absence of any rule upon the matter of business, the Commission shall be governed by Robert's Rules of Order.  
~~(Ord. 2001-31. Passed 9-17-01.)~~

#### **1023.0605 TREE FUND ACCOUNT.**

(a) The Director of Finance, after approval by the Council, is hereby authorized to accept, on behalf of the City, all gifts, grants, money or other things or items of value for the purpose of planting, maintaining, removing, protecting, and promoting trees.

(b) There is hereby established a Tree Fund account. All gifts of money received and accepted by or on behalf of the City for the purpose of planting, replacing, maintaining, protecting, and promoting trees and investment interest therefrom shall be placed in this separate account.

(c) All fees charged for trees as set out in this Chapter 1023, Chapter 1024, Chapter 1025, Chapter 1228, or any other provisions of the Codified Ordinances relating to trees shall be placed in this special account.

(d) This Tree Fund account shall be used for the purpose of purchasing, transporting, planting, pruning, removing, and acquiring accessory materials necessary thereto and the maintaining of trees within the City in the public right of way or on City-owned property.

(e) The Director of Finance shall make payments from the Tree Fund account upon the presentation of vouchers or orders therefor by the Director of Public Service or the City Forester. ~~(Ord. 2001-31. Passed 9-17-01.)~~

#### **1023.0706 PLANTING AND MAINTAINING SUBDIVISION TREES.**

(a) The City shall utilize all fees collected for street trees pursuant to Section 1228.01(h) to purchase, transport, plant, prune, acquire accessory materials necessary thereto, and maintain trees to be or which have been placed in the City right-of-way. The type and number of trees to be planted in any new subdivision shall be determined by the Planning Commission upon recommendation ~~by~~ **of the Shade Tree Commission City Coordinator of Natural Resources** pursuant to the provisions of this Chapter and Section 1228.01(h) of the Codified Ordinances.

(b) The caliper, height, placement, manner of planting and planting time for the trees shall be determined by the ~~City Forester~~ **Coordinator of Natural Resources**.

(c) After planting of the trees by the City, the maintenance and responsibility for the trees, including but not limited to watering, fertilizing, pruning, and general maintenance shall be upon the abutting property owner. (~~Ord. 2001-31. Passed 9-17-01.~~)

**1023.0807 TREE FEES.**

(a) Upon the issuance of a building permit for the construction or remodeling of a building or structure which replaces a ground surface area in excess of 400 sq. ft., a fee shall be charged as follows:

- (1) \$250.00 for up to the first 2,000 sq. ft. of ground surface area displaced by such building or structure.
- (2) \$500.00 for 2,000.01 to 4,000 sq. ft. of ground surface area displaced by such building or structure.
- (3) An additional amount of \$250.00 for each additional 2,000 sq. ft. in excess of 4,000 sq. ft. or portion thereof of ground surface area displaced by such building or structure.

(b) This fee reflects the current average costs to purchase, transport, and plant a tree within the City. The ~~Shade Tree Commission~~ **City Coordinator of Natural Resources** may review this cost on an annual basis and make recommendations to City Council which reflect the then current costs.  
(~~Ord. 2013-162. Passed 7-15-13.~~)

**1023.0908 APPEALS.**

In any appeal taken to the Shade Tree Commission pursuant to the provisions of Section 606.28, Chapters 1023, 1024, 1025 of the Codified Ordinances or any other provisions of the Codified Ordinances providing for an appeal to the Shade Tree Commission, the following provisions shall apply unless the particular section specifically provides for a different procedure.

- (a) In order to have jurisdiction to consider the appeal, a notice of appeal must be filed with the Shade Tree Commission and a copy of the notice of appeal must be filed with the official, board, or commission from whose decision the appeal is taken within ten (10) days from the date that the decision was rendered. The appeal must specify the decision from which the appeal is taken, the alleged error, and must be accompanied by a Seventy-five Dollar (\$75.00) filing fee.
- (b) The Shade Tree Commission shall notify the appellant; the official, board, or commission from which the appeal is taken at least seven (7) days in advance of a scheduled hearing.
- (c) The Shade Tree Commission shall hold a hearing, receive any evidence offered by the appellant or the official, board, or commission from which the appeal is taken and decide the appeal at a place and time to be determined by the Commission within sixty (60) days of the receipt of a

notice of appeal unless the time is otherwise extended by the Commission for good cause.

- (d) The Shade Tree Commission shall utilize the applicable standards set out in the sections under which the official, board, or commission acted; and the Shade Tree Commission may reverse or affirm, wholly or in part, or modify, any such order, requirement, decision or determination as, in its opinion, ought to be made under the circumstances, and to that end shall have all the powers of the official, board, or commission from whose decision the appeal is taken.
- (e) The decision of the Shade Tree Commission shall be final.  
(Ord. 2001-31. Passed 9-17-01.)

**In any appeal to the Commission, a Commission member who was involved in the initial decision from which the appeal is taken shall be disqualified from hearing or otherwise participating in that particular matter.**

**Section 2.** That all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 3.** That 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 of 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.** That this Ordinance 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-223 Removed: \_\_\_\_\_  
1st Rdg. 10-21-13 Ref: Public Service  
2nd Rdg. 11-04-13 Ref: Public Service  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 - 224

By: Mayor Perciak, Mr. Maloney and Mr. Carbone

AN ORDINANCE AMENDING SECTION 1024.01, ENACTING A NEW SECTION 1024.02, AND RENUMBERING ALL REMAINING SECTIONS OF CHAPTER 1024 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, REGULATING TREE PLANTING AND MANAGEMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Section 1024.01 is hereby amended and new Section 1024.02 is hereby enacted, of Chapter 1024 of Title Two of Part Ten-Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Strongsville, and that all remaining Sections of said Chapter are hereby renumbered as necessary to read in their entirety as follows:

**CHAPTER 1024**  
**Tree Planting and Management**

<b>1024.01</b>	<b>Definitions.</b>
<b>1024.02</b>	<b><i>Master Shade Tree Plan.</i></b>
<b>1024.0203</b>	<b>Control of trees.</b>
<b>1024.0304</b>	<b>Arborist license and bond.</b>
<b>1024.0405</b>	<b>Permit required.</b>
<b>1024.0506</b>	<b>Street tree species to be planted; and certain trees prohibited.</b>
<b>1024.0607</b>	<b>Tree spacing; utilities.</b>
<b>1024.0708</b>	<b>Distance from curb and sidewalk.</b>
<b>1024.0809</b>	<b>Distance from street corners and fireplugs.</b>
<b>1024.0910</b>	<b>Public tree care.</b>
<b>1024.1011</b>	<b>Tree topping.</b>
<b>1024.1112</b>	<b>Trimming trees on or near public property.</b>
<b>1024.1213</b>	<b>Pruning, corner clearance.</b>
<b>1024.1314</b>	<b>Removal or mutilation of trees.</b>
<b>1024.1415</b>	<b>Removal of stumps.</b>
<b>1024.1516</b>	<b>Moving of trees.</b>
<b>1024.1617</b>	<b>Replacement of trees.</b>
<b>1024.1718</b>	<b>Protection of trees.</b>
<b>1024.1819</b>	<b>Placing deleterious substances near trees.</b>
<b>1024.1920</b>	<b>Electric wires near trees.</b>
<b>1024.2021</b>	<b>Emergencies.</b>

- 1024.2122 State or federal examination.  
1024.2223 Right of entry.  
1024.2324 Interference with enforcement of chapter.  
1024.2425 No duty.  
1024.99 Penalty.

\* \* \*

#### 1024.01 DEFINITIONS.

As used in this chapter:

- (a) "Arboriculture" or "tree preservation" means and includes the treating, spraying, pruning, maintaining and any other care or work intended for the strengthening of trees, and the removal and prevention of tree pests, blights and diseases of any and all kinds.
- (b) "City" means the City of Strongsville, Ohio.
- (c) "City Forester" means that individual designated by the City as the City Forester or the City Forester's **Coordinator of Natural Resources or his/her** designee.
- (d) "Director of Public Service" or "Director" means the Director of Public Service of the City or the Director's designee.
- (e) "Drip line" means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.
- (f) "Large tree" means any tree designated as that specie attaining an average height of more than 45 feet when fully mature.
- (g) "Medium tree" means any tree designated as that specie attaining an average height of more than 30 feet and less than 45 feet when fully mature.
- (h) "Park trees" means trees, shrubs, bushes, and all other woody vegetation in public parks, and all areas owned by the City, or to which the public has free access.
- (i) "Public place" means any public street, public highway, public park or any property owned or held by the City, within the boundaries of the City.
- (j) "Small tree" means any tree designated as that specie attaining an average height of more than 20 feet but less than 30 feet when fully mature.
- (k) "Street trees" means trees, shrubs, bushes, and all other woody vegetation on land lying within the right of way of all streets, avenues, or ways within the City.
- (l) "Top" or "topping" means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- (m) "Tree" means any tree.

~~(Ord. 2001-32. Passed 9-17-01.)~~

#### 1024.02 MASTER SHADE TREE PLAN.

The City Coordinator of Natural Resources is authorized to develop, update, and maintain a written plan for the care, preservation, and planting of



trees and shrubs in public places. The City Coordinator of Natural Resources shall make revisions to the plan as new street tree plans are approved by the Planning Commission. This plan shall constitute the Master Shade Tree Plan for the City of Strongsville.

#### **1024.0203 CONTROL OF TREES.**

The Director of Public Service is given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in this City, and over all trees which exist upon any private property in this City, when, in the Director's opinion, such trees constitute a menace to public property, public safety or the public welfare of this City. The ~~Director~~ **Coordinator of Natural Resources** shall also have full jurisdiction, authority and control in connection with the issuing of permits and licenses hereinafter provided for, **to be processed through the City's Building Department**, unless otherwise specified herein. In the exercise of any or all of the powers herein granted, the Director shall have the authority to delegate all or such part of his powers and duties with respect to supervision and control of trees to his subordinates and assistants including, but not limited to, the City ~~forester~~ **Coordinator of Natural Resources** in the employ of the City as he may from time to time determine.

(Ord. 2001-32. Passed 9-17-01.)

#### **1024.0304 ARBORIST LICENSE AND BOND.**

(a) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, maintaining, or removing trees within the City without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) paid annually in advance, provided, however, that no license shall be required for any City employee, or employee of a public or private utility regulated by the Ohio Public Utilities Commission. Before any license shall be issued, each applicant shall first file and thereafter maintain evidence of worker's compensation coverage, and of liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000) for bodily injury and one hundred thousand dollars (\$100,000) of property damage indemnifying the City and any person or property injured or damaged resulting from the pursuit of such endeavors.

(b) The City Forester may deny any license if the applicant has a past history of poor workmanship, violation of laws, damaging of property or injuring individuals in the City or any other community. The City Forester may at any time cancel, revoke, modify, or fail to renew a license for good cause.

(Ord. 2001-32. Passed 9-17-01.)

#### **1024.0405 PERMIT REQUIRED.**

No person shall plant, remove, destroy, cut, prune, fertilize, treat, break, climb, injure or spray any tree existing on any public place in this City, or authorize or procure any person to do so, or remove or tamper with any device placed for the protection of any such tree, or authorize or cause the same to be done, unless the person has first obtained a permit from the City Forester to do so. The City Forester may at any time

cancel, revoke, or modify permits for good cause. The fee for any such permit shall be ten dollars (\$10.00). The City Forester must first approve the placement and spacing of all trees on public property owned by the City.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.0506 STREET TREE SPECIES TO BE PLANTED; AND CERTAIN TREES PROHIBITED.**

(a) The Master Shade Tree Plan presently on file with the City Forester or as later amended constitutes the Official Shade Tree species for the City of Strongsville. No species other than those specified in the Master Shade Tree Plan may be planted as street trees without written permission from the City Forester.

(b) No **ash**, silver maple, poplar, box elder, basswood, willow, ~~American elm~~ or catalpa is permitted as a street tree in the city.

(c) The City Forester is given the authority to remove any street tree set out in Section 1024.05(b) or any other tree or part thereof which is in any unsafe condition, or which by reason of its location, or nature, is injurious or detrimental to other public improvements or infected with any fungus, insect, or other pest or disease which otherwise cannot be controlled.

(d) Any ~~silver maple, poplar, box elder, basswood, willow, American elm or catalpa tree~~ upon private property in such close proximity to any public place as will permit the roots of such tree to penetrate through or under the surface of any public place is declared to be a public nuisance and may be removed by the Director or City Forester **Coordinator of Natural Resources**.

(e) Any street tree planted shall be placed at an equal distance between sidewalk and curb unless a different location is approved in writing by the Director or City Forester.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.0607 TREE SPACING; UTILITIES.**

(a) No street trees, other than those species listed as small trees, may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

(b) The spacing of street trees shall be in accordance with the species' size, and class as listed in the Master Shade Tree Plan. No tree shall be planted within a distance of 30' of a small tree; 40' of a medium tree; and 50' of a large tree.

(c) No street tree shall be planted in a manner which impedes or blocks or which at maturity may impede or block any vehicular sight distance as to cause a nuisance.

(d) No street trees shall be planted in a manner which impedes or blocks or which at maturity may impede or block the usage of any fire hydrant.  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.0708 DISTANCE FROM CURB AND SIDEWALK.**

No trees may be planted closer to any curb or sidewalk than the following: small trees – 2' (4' tree lawn); medium trees – 3' (6' tree lawn); and large trees – 4' (8' tree lawn).  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.0809 DISTANCE FROM STREET CORNERS AND FIREPLUGS.**

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet to any fire hydrant.  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.0910 PUBLIC TREE CARE.**

(a) The Director and City Forester shall have the right to plant, maintain and remove trees and shrubs existing in any public places so as to ensure the public safety, or to preserve the function or beauty of such public place.

(b) The Director and City Forester is also given the continuing right to remove any tree or part thereof which is in any unsafe condition, or which by reason of its location, or nature is injurious or detrimental to other public improvements or infected with any fungus, insect, or other pest or disease which otherwise cannot be controlled.  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.1011 TREE TOPPING.**

It shall be unlawful for any person to top any tree within the City. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the determination of the City Forester.  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.1112 TRIMMING TREES ON OR NEAR PUBLIC PROPERTY.**

The Director or City Forester shall, and each is hereby directed to, keep all trees standing upon or over any public place in this City trimmed so that the branches of such trees projecting over any public sidewalk or private driveway, or into a public street beyond the curb line, shall not conflict with the public welfare.  
(~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.1213 PRUNING, CORNER CLEARANCE.**

The City shall have the authority in regard to any tree overhanging any street or right-of-way within the City to prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of nine feet (9') above the surface of the sidewalk

and thirteen feet (13') above the surface of the street. The City shall have the authority to remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the authority to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or any tree which does not conform with the provisions of this Section.  
(Ord. 2001-32. Passed 9-17-01.)

**1024.1314 REMOVAL OR MUTILATION OF TREES.**

It shall be a violation of this Chapter to remove, destroy, or mutilate any tree, shrub, or other plant in a public tree lawn or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves.  
(Ord. 2001-32. Passed 9-17-01.)

**1024.1415 REMOVAL OF STUMPS.**

The City shall have the authority to remove all stumps of street and park trees below the surface of the ground.  
(Ord. 2001-32. Passed 9-17-01.)

**1024.1516 MOVING OF TREES.**

All moving of trees upon any public place in the City, made necessary by the moving of a building or structure or any other private enterprise, shall be done under the supervision of and with the written permission of the Director or City Forester, and at the expense of the applicant or person seeking the removal of such tree. Such applicant, as one of the conditions of obtaining such permission, shall deposit with the City such sum in cash as the Director or City Forester may determine and specify to cover all of the cost of moving and replacing such tree, if the conditions of such permission require the replacement thereof. However, in lieu of such cash deposit, the Director or City Forester may, in their discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the cost of such moving and replacing.  
(Ord. 2001-32. Passed 9-17-01.)

**1024.1617 REPLACEMENT OF TREES.**

Any person or property owner granted permission to remove a tree from the City streets or City properties for the purpose of construction shall replace the removed tree or trees according to the specifications of the Director or city Forester. The person or property owner shall bear the cost of replacing all trees removed unless removed because of disease or because the tree constituted a nuisance.  
(Ord. 2001-32. Passed 9-17-01.)

**1024.1718 PROTECTION OF TREES.**

(a) All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded

with a protective device such as a substantial fence, frame, or box not less than the distance of the drip line, and all building material, dirt, or other debris shall be kept outside the barrier. The protective device must be structurally sound and capable of protecting the trees from all expected encroachment by debris and machinery associated with said excavation and/or construction.

(b) No person shall excavate any ditches, tunnels, trenches, or lay any drive, or do any type of work in the public right-of-way within a radius of 10' from any street tree or tree on City-owned land without first obtaining a written permit from the Director or City Forester.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.1819 PLACING DELETERIOUS SUBSTANCES NEAR TREES.**

No person shall permit any natural or artificial gas, salt, brine, water, oil, liquid dye or any other substances deleterious to trees to come in contact with the soil surrounding the roots of any tree upon any public place in this City in such manner as to kill, injure, deface, destroy or affect the growth of such trees.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.1920 ELECTRIC WIRES NEAR TREES.**

No person shall willfully cause or authorize or procure a wire or other conductor charged with electricity to come in contact with any tree upon any public place in such manner that the tree is thereby injured or destroyed. If the Director or City Forester determines it necessary to cut down or prune any tree on a public place, the owner of wires or conductors in close proximity thereto shall temporarily remove such wires or otherwise safeguard them, within 24 hours after service of written notice to do so by the Director or City Forester.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.2021 EMERGENCIES.**

(a) No permit shall be required to remove any tree or part thereof which, by reason of damage by fire, windstorm, or other natural calamity, poses an immediate threat to the public health or safety or which obstructs any public way.

(b) In the event of windstorm, fire, flood or other widespread natural calamity, the Director or City Forester may declare a state of emergency and exempt operations necessary to remove threats to public safety from these permit requirements.

~~(Ord. 2001-32. Passed 9-17-01.)~~

**1024.2122 STATE OR FEDERAL EXAMINATION.**

If upon the inspection of any tree within the Municipality reported or suspected to be infected with a harmful disease and the City Forester is unable to determine whether or not such tree is diseased, then in such event specimens from the tree shall be forwarded for complete examination, diagnosis and report to either the Ohio State Diagnostic Clinic at Columbus, Ohio, or to the United States Department of Agriculture Station at Beltsville, Maryland, or a similar state or federal agency and the action of the

City under this chapter shall await and be determined by the report received from such examination and diagnosis. (~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.2223 RIGHT OF ENTRY.**

The Director or City Forester shall have the authority to enter upon any premises in the City at all reasonable times for the purpose of examining any tree or shrub located upon or on such premises to carry out any of the provisions of this Chapter. (~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.2324 INTERFERENCE WITH ENFORCEMENT OF CHAPTER.**

No person shall interfere with the Director, the City Forester or their subordinates or assistants while engaged in or about the carrying out of the provisions of this chapter or the doing of any work ordered by the Director or the City Forester to be done. (~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.2425 NO DUTY.**

No authority or right granted to the City in this Chapter 1024 shall constitute a duty upon the City to take any action. (~~Ord. 2001-32. Passed 9-17-01.~~)

**1024.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter, for which there is no otherwise specified penalty, is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (~~Ord. 2001-32. Passed 9-17-01.~~)

**Section 2.** That all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 3.** That 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 of 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.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2013 – 224  
Page 9

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_

Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-224 Removed: \_\_\_\_\_  
1st Rdg. 10-21-13 Ref: Public Service  
2nd Rdg. 11-04-13 Ref: Public Service  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 - 225

By: Mayor Perciak, Mr. Maloney and Mr. Carbone

**AN ORDINANCE AMENDING SECTIONS 1025.02, 1025.03, 1025.06 AND 1025.07 OF CHAPTER 1025 OF TITLE TWO OF PART TEN-STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING TREE PRESERVATION.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Sections 1025.02, 1025.03, 1025.06 and 1025.07 of Chapter 1025 of Title Two of Part Ten-Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Strongsville, be and are hereby amended to read in their entirety as follows:

\* \* \*

**1025.02 DEFINITIONS.**

For the purposes of this chapter, certain terms are defined as follows:

- (a) "Bona fide agriculture" means a land use to derive income from growing plants or trees on land, including but not limited to land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.
- (b) "City Forester" means that individual designated by the City as the City Forester or **City Coordinator of Natural Resources**, or his/her designee.
- (c) "Commercial nursery or tree farm" means a plant or tree nursery or farm in relation to those trees planted and growing on the premises, which are planted and growing for sale or intended for sale to commercial establishments or to the general public in the ordinary course of said business.
- (d) "Diameter breast height (dbh)" means the diameter in inches of a tree measured at four and one-half feet (4½') above the existing grade.
- (e) "Drip line" means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.
- (f) "Grubbing" means the effective removal of understory vegetation such as, but not limited to, palmetto from the site.
- (g) "Historic tree" means a tree which has been found by the City forester, a professional forester, horticulturist, or other professional plantsman, to be of notable historic interest to the City because of its age, type, size or historic association and has been so designated and that designation has



been officially made and promulgated as part of the official records of the City.

- (h) "Individual homeowner" means an individual or entity who owns not more than three (3) individual residential lots in the City and is not holding the lots solely for sale or development.
- (i) "Land clearing stage" means those operations where trees and vegetation are removed and which occurs previous to construction or building; e.g., road right-of-way excavation and paving, lake and drainage system excavation, utility excavation, grubbing, clearing site for a home, building, or other structure, and any other clearing operations.
- (j) "No tree verification" means a signed, notarized statement by owner or his agent stating that no trees exist upon the site as further set out in this Chapter 1025.
- (k) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard areas lying between two (2) feet and ten (10) feet from the ground.
- (l) "Person" means any individual, partnership, corporation, association, or other legal entity, including the plural as well as the singular, and including all tree removal companies and persons removing trees on behalf of others.
- (m) "Protective barrier" means a physical structure limiting access to a protected area, composed of wood or other suitable materials which assures compliance with the intent of this Chapter.
- (n) "Remove" or "removal" means the actual removal of a tree by digging up. Cutting down, or the effective removal through damage.
- (o) "Specimen tree" means a tree which has been determined by the judgment of the City forester, a professional forester, horticulturist or other professional plantsman to be of high value because of its type, size, age or other professional criteria and has been recorded in the records of the City.
- (p) "Transplant" means the digging up by a property owner of a tree from one place on his property and the planting of the same tree in another place.
- (q) "Tree" means any self-supporting, woody plant of a species which normally, in the area, grows at maturity to an overall height of a minimum of fifteen feet (15').
- (r) "Tree survey" means a minimum of 1 inch equals 200 feet scale aerial or drawing to scale which provides the following information: location of all trees protected under the provisions of this Chapter, plotted by accurate techniques; common name of all trees; and diameter breast height.  
(Ord. 2001-33. Passed 9-17-01.)

#### **1025.03 APPLICABILITY.**

The regulations of this Chapter shall apply to all lands in the City except as exempted in Section 1025.05 of this Chapter. The regulations shall specifically apply to the following:

- (a) No building permit, grading plan or erosion and sediment control permit shall be issued for the construction, alteration or addition to a building, or the grading or alteration of the land surface without the conformance to the provisions of this Chapter.
- (b) All development plans and new construction shall comply with the requirements of this Chapter.
- (c) All single family subdivisions and development shall comply with this Chapter.
- (d) No tree with a dbh of six inches (6") or greater shall be cleared or removed without a tree removal permit issued by the City Forester unless permitted to be removed through these regulations or exempt from regulation under Section 1025.05.
- (e) No tree removal permit shall be issued for any parcel of land or development which requires an approved subdivision plan under Chapter 1228, until a development plan including a Tree Preservation Plan is submitted to and approved by the Planning Commission and the City Forester, **or only by the latter in the event of an emergency or urgent circumstance.**
- (f) No tree removal permit shall be issued for any parcel of land or development which requires a site approval plan, until a tree preservation Plan is approved by the Planning Commission and City Forester, **or only by the latter in the event of an emergency or urgent circumstance.**  
(Ord. 2001-33. Passed 9-17-01.)

\* \* \*

#### 1025.06 PERMIT.

Any person wishing to obtain a permit to remove, cause to be removed, or relocate a tree, clear land or grub land as required under the provisions of this Chapter shall make application to the City forester **Coordinator of Natural Resources** by filing a written application and paying such a fee as is established herein. Where an application as required by this Chapter has been submitted, no permit shall be issued until a Tree Preservation Plan for the lot or parcel has been reviewed and approved by the City forester **Coordinator of Natural Resources**. The Tree Preservation Plan shall show the following information at a scale sufficient to enable the determination of matters required under these regulations:

- (a) Permit Requirements.
  - (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of all structures, improvements, and utilities if any.
  - (2) Location of all existing trees with a trunk diameter of six inches (6") or more dbh, which are subject to this Chapter, identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Groups of trees in close proximity, three-to-five foot spacing or closer, may be

- designated as a "clump" of trees, and the predominate species, estimated number and average size shall be listed.
- (3) A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.
  - (4) Locations and dimensions of all setbacks and easements.
  - (5) Statements as to grade changes proposed for the lot or parcel.
  - (6) Any proposed tree replacement program.
  - (7) All trees to be retained shall be so identified by some method, such as painting or flagging, etc., prior to field inspection. Where protective barriers are necessary to prevent damage to a tree that is not to be removed, such barriers shall be erected before work starts.
  - (8) A topographical survey sealed by a registered engineer or registered surveyor, which shows the information set forth in subsections (a) (1) through (7) above. The City Forester may also require an aerial photograph of suitable quality (minimum 1" equals 200'), to facilitate plan review or a tree survey as defined herein. A tree survey will be required on all areas for which tree removal or relocation authorization is being requested.
- (b) Land clearing or grubbing. Upon written request, land clearing or grubbing shall be permitted when the physical condition of the proposed development site does not permit the preparation of a tree survey as defined herein. Information as to the general number, species and size of the protected trees on the property will be required before land clearing or grubbing will be authorized. Land clearing shall be permitted within designated street rights-of-way, drainage and other utility areas as depicted on a recorded plat and an approved site plan if applicable. During grubbing, all trees not scheduled for removal will be left in an undisturbed condition with no less than the area designed as the drip line understory left intact.
- (c) Alternate site plan information. In the event that there are no trees greater than six inches (6") dbh located on the site to be developed which are required to be protected under the provisions of this Chapter, the applicant shall so state in the application for a no tree verification. If such statement is substantiated by an inspection of the site by the City forester, the applicant shall be relieved of the necessity of complying with the provisions of this Chapter in regard to removal of trees.
- (d) Time of permit. Any and all permits issued by the City as requirements of this Chapter shall be declared null and void if commencement of work so permitted is not started within a reasonable time, not to exceed one (1) year as set by the City forester **Coordinator of Natural Resources**. In no case shall the permit be valid for more than twelve (12) months. Permits not used within this period will become null and void and future work will require a new application and permit.

~~(Ord. 2001-33. Passed 9-17-01.)~~

**1025.07 PERMIT PROCEDURE.**

The tree removal or relocation shall be field checked prior to issuance of a permit. The City forester—**Coordinator of Natural Resources** may request a recommendation concerning the application from other City departments. No tree removal permit will be approved without final site plan approval of the project, except in the case of a land clearing or grubbing permit as permitted herein **or in the event of an emergency or urgent circumstance**. Each applicant, at the time the application is filed, shall pay a non-refundable permit fee of one hundred dollars (\$100.00) for each single-family residential lot and a nonrefundable permit fee of two hundred fifty dollars (\$250.00) for each lot other than a single-family residential lot.  
(Ord. 2001-33. Passed 9-17-01.)

\* \* \*

**Section 2.** That all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 3.** That 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 of 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.** That this Ordinance 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-225 Removed: \_\_\_\_\_  
1st Rdg. 10-21-13 Ref: Public Service  
2nd Rdg. 11-04-13 Ref: Public Service  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2013 – 226**

**By: Mayor Perciak, Mr. Maloney and Mr. Carbone**

**AN ORDINANCE AMENDING SECTION 1228.01 OF TITLE FOUR OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING SUBDIVISION TREE FEES.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Section 1228.01 of Title Four of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**1228.01 SUBDIVISION IMPROVEMENTS REQUIRED BEFORE FINAL APPROVAL.**

Before approval will be given upon any final plat for record, the following fees shall be paid and the following improvements shall be installed in the subdivision shown on such plat.

- (a) Water mains must be installed together with all necessary appurtenances such as hydrants, valves and curb connections at each lot within the subdivision, all meeting the approval of the City Engineer and the Engineer of the City of Cleveland, Division of Water and Heat.
- (b) Storm sewers, together with all necessary appurtenances and curb connections for each lot in such subdivision, shall be designed and installed in accordance with the minimum standards adopted therefor and adequate for the drainage of the streets, the lots fronting thereon and the natural drainage intercepted by such street.
- (c) Sanitary sewers together with all necessary appurtenances and curb connections for each lot in the subdivision shall be designed and installed in accordance with the minimum standards adopted therefor. Where Municipal sanitary sewer facilities are not available, the subdivider shall construct and install such sanitary sewers, septic systems and sewage treatment facilities as are deemed necessary by Council, the Engineer and/or the Cuyahoga County Department of Health. The design, installation, method of construction and materials must be approved by the Engineer, the Cuyahoga County Department of Health and any other authority having jurisdiction. The approval by the Engineer and his decision deeming the sewers and treatment facilities necessary, shall be based upon a determination of the adequacy of the proposed facilities relative to the natural contours and topography of the area, the proposed population density of the subdivision and the effect of the facilities upon

abutting and adjacent properties and upon the public health, safety and welfare of the entire Municipality.

- (d) No sewer, whether storm or sanitary, shall be approved or installed which is used or designed to be used for the discharge of both storm water or roof drains and the discharge of septic tanks or other sanitary effluent. All sewers, excluding house laterals, shall be installed in dedicated streets or in easements granted to the Municipality in legal form satisfactory to the Law Director, shall have proper outlets approved by the Engineer, shall serve all lots and lands in the subdivision, and shall go to the boundaries of the subdivision.
- (e) All street compactions, grades, subgrades, curbs, curb drains, pavements and all other aspects of street improvement shall be designed, installed, constructed and improved in accordance with plans and specifications therefor submitted to and approved by the Engineer. All street plans and specifications shall at least meet minimum standards adopted therefor by Council, unless a deviation from minimum standards is granted or permitted pursuant to subsection (i) hereof.
- (f) Sidewalks of Portland cement concrete or similar material approved by the Engineer shall be installed upon both sides of each street; except that the Planning Commission, in its discretion, may approve sidewalks on one side of the street in cluster developments. Sidewalks shall be at least four feet in width along local streets, five feet along local collector streets and six feet along collector and major arterial streets. Pavement thickness shall be four inches and not less than six inches in thickness across driveways.
- (g) Common area and site improvements shall be shown on plans and specifications submitted by the developer and approved by the City in accordance with the Planning and Zoning Code.
- (h) The developer or entity requesting any type of subdivision shall pay to the City a fee of two hundred fifty dollars (\$250.00) per tree based upon one tree being required for each forty-five linear feet of lot frontage on a public street. The fees shall be placed in the Tree Fund Account and the City shall utilize the funds to purchase and install trees in subdivisions pursuant to the provisions of Chapter 1023. **The City Coordinator of Natural Resources shall make recommendations to the Planning Commission, and the Planning Commission shall decide on the type and number of trees to be planted for each new subdivision, at the time that the subdivision receives final approval by the Planning Commission for record purposes, as set out in the City's Planning and Zoning Code.** The fee shall be paid by the developer or entity requesting the subdivision prior to final approval of any plat for record purposes.
- (i) The Planning Commission may permit, as to any of the specific improvements or installations in this section, deviation from the minimum standards after receiving the recommendation of the Engineer as to the proposed deviation. The Planning Commission in granting such

permission, and the Engineer in making his recommendation, shall base their decision and recommendation on either:

- (1) The improvement under the proposed deviation from the minimum standards will be equally effective, safe, adequate and desirable as the improvement would be under such standards, and that the improvement under the proposed deviation will perform the same function as and have a life of usefulness equal to the improvement made pursuant to such standards; or
- (2) The strict application of the minimum standards to improvements which are under construction or which have been fully planned and contracted for at the time this section becomes effective would cause extreme undue hardship or practical difficulty.

However, no deviation under subsection (h)(1) or (2) hereof shall be approved that is not in harmony with the general purpose and intent of these regulations or which will interfere with the public health, safety or general welfare.

Any permission granted by the Planning Commission to deviate from the minimum standards required for all subdivision improvements must be confirmed by Council before such permission to deviate is final.

(Ord. 2005-161. Passed 11-21-05.)

**Section 2.** That 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 of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: 10-21-13

Second reading: 11-04-13

Third reading: \_\_\_\_\_

Public Hearing: 12-16-13

Referred to Planning Commission

Favorable Recommendation by PC

Approved: 10-24-13

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2013 - 226  
Page 4

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_

Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-226 Removed: \_\_\_\_\_  
1st Rdg. 10-21-13 Ref: PC/P2E  
2nd Rdg. 11-04-13 Ref: P2E  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_  
Pub Hrg. 12-16-13 Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 – 261

By: Mr. Maloney

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located on Fallingwater Road (PPN 396-14-015), in the City of Strongsville, from SC (Shopping Center) classification to MS (Motorist Service) classification, which property is more fully described in Exhibit A, and depicted in Exhibit B, all attached hereto and incorporated herein by reference.

**Section 2.** That the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

**Section 3.** That 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.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: November 18, 2013 Referred to Planning Commission

Second reading: \_\_\_\_\_

*Unfavorable Recommendation by*

Third reading: \_\_\_\_\_

Approved: 12/19/13

Public Hearing: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2013 – 261  
Page 2

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2013-261 Removed: \_\_\_\_\_  
1st Rdg. 11-18-13 Ref: PC/PZE  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Red: \_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

## Quit-Claim Deed

KNOW ALL MEN BY THESE PRESENTS THAT Strongsville Falling Waters LTD, an Ohio Limited Liability Company, the Grantor, claiming title by or through instrument recorded in Volume 201, Page 69, Cuyahoga County Recorder's Office, for valuable consideration thereunto given, and for the sum of Ten Dollars (\$10.00) received to its full satisfaction of Strongsville Falling Waters II LTD, an Ohio Limited Liability Company, the Grantee, whose tax mailing address will be 10139 Royalton Rd., Suite K, N. Royalton, OH 44133 does:

**GIVE, GRANT, BARGAIN, REMISE, RELEASE AND FOREVER QUIT-CLAIM** unto the said Grantee, its heirs and assigns, all right, title and interest as said Grantor has in and to the following described premises, situated in the City of Strongsville, County of Cuyahoga, and State of Ohio:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Block "A" in the Woodlawn Estate, Inc., Ledgewood Subdivision No. 1 and a part of Original Strongsville Township, Lot No. 35 as shown by the recorded plat in Volume 201, Page 69 of the Cuyahoga County Map Records and is further bounded and described as follows;

Beginning at a PK Nail set at the intersection of the easterly right of way line of Falling Water Road - 100 feet wide and the southerly line of the Valley Creek Village Condominiums as shown by the recorded plat in Volume 31, Page 54 of the Cuyahoga County Map Records;

Thence North 87° 36' 49" East along the southerly line of said Valley Creek Village Condominiums and along the southerly line of the Valley Creek Village Cluster Development as shown by the recorded plat in Volume 224, Page 95 of the Cuyahoga County Map Records, a distance of 277.69 feet to a 5/8" diameter capped iron pin set, said point being the Principal Place of Beginning of the premises herein described;

- Course I Thence continuing North 87° 36' 49" East along the southerly line of said Valley Creek Village Cluster Development, a distance of 491.23 feet to a 5/8" diameter capped iron pin set on the westerly line of lands conveyed to VAM, LTD, LLC as recorded in AFN 199909070771;
- Course II Thence South 00° 18' 41" East along the westerly line of said lands conveyed to VAM, LTD, LLC, a distance of 460.23 feet to a 5/8" diameter capped iron pin set at the northeasterly corner of lands conveyed to FHL Investments LTD II as recorded in Volume 84-0334, Page 50 of the Cuyahoga County Records;
- Course III Thence South 87° 36' 49" West along the northerly line of said lands conveyed to FHL Investments LTD II, a distance of 446.84 feet to a PK Nail set on the easterly limits of lands conveyed to Ledgewood Estates as recorded in AFN 200207010657 of the Cuyahoga County Records;
- Course IV Thence North 03° 34' 54" West along the easterly limits of said lands conveyed to Ledgewood Estates, passing through a 1" iron pipe found at a distance of 85.24 feet, a total distance of 193.00 to a 5/8" diameter capped iron pin set;
- Course V Thence North 82° 59' 21" West a distance of 184.79 feet to a 5/8" diameter capped iron pin set;
- Course VI Thence North 86° 37' 03" West a distance of 209.28 feet to a 5/8" diameter capped iron pin set on the easterly right of way line of said Falling Water Road;
- Course VII Thence along the arc of a curve, along the easterly right of way line of said Falling Water Road, deflecting to the right, whose radius is 1485.49 feet which has a chord length of 31.09 feet which bears North 18° 36' 33" East, a distance of 31.09 feet to a 5/8" diameter capped iron pin set;
- Course VIII Thence South 86° 37' 03" East a distance of 202.07 feet to a 5/8" diameter capped iron pin set;
- Course IX Thence South 82° 59' 21" East a distance of 116.90 feet to a 5/8" diameter capped iron pin set;
- Course X Thence North 33° 08' 15" East a distance of 65.28 feet to a 5/8" diameter capped iron pin set;
- Course XI Thence North 01° 55' 41" West a distance of 173.01 feet to the Principal Place of Beginning of the premises herein described containing 5.265 Acres (229,353 s.f.) of

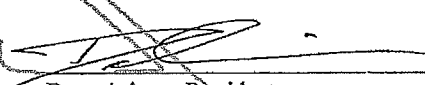
land, be the same more or less but subject to all legal highways and easements as surveyed, calculated and described by John Alban, Registered Surveyor No. 7651 in February, 2005. Bearings used herein refer to an assumed meridian and are intended to indicate angles only. Deed of reference is Volume 88-3477, Page 68 and Volume 88-3478, Page 25 of the Cuyahoga County Records.

Permanent Parcel No(s):

**TO HAVE AND TO HOLD** the above premises, with the appurtenances thereunto belonging, unto the said Grantee, and its separate heirs and assigns forever.

**IN WITNESS WHEREOF**, the Grantor has hereunto set its hand the 7th day of April, 2005.

**GRANTOR:**

  
Dean Asimes, President  
Strongsville Fallings Waters, LTD

STATE OF OHIO )

) ss.

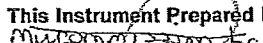
CUYAHOGA COUNTY )

**EXECUTED BEFORE ME**, on the 7th day of April, 2005, by Dean Asimes, President, Strongsville Falling Waters LTD, an Ohio Limited Liability Company, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.

  
NOTARY PUBLIC

My Commission has no  
expiration date

**This Instrument Prepared By:**

  
Francis P. Manning  
Attorney at Law  
Western Reserve Law Building  
7556 Mentor Avenue  
Mentor, Ohio 44060

Permanent Parcel #: 396-14-015  
396-14-017

Type Instrument: Quit Claim Deed Ex	Date: 5/23/2005 12:13:00 PM
Tax District #: 3340	Tax List Year: 2005
Grantor: STRONGSVILLE FALLING WAT	Land Use Code: 4490
Grantee: STRONGSVILLE FALLING WAT	Land Value: 206,600
Balance Assumed: \$ 0.00	Building Value: 0
Total Consideration: \$ 0.00	Total Value: 206,600
Conv. Fee Paid: \$ 0.00	Arms Length Sale: NO
Transfer Fee Paid: \$ 1.00	Rcpt: D-05232005-16
Fee Paid by: CASH	Inst #: 157701
Exempt Code:	Check #:

CUYAHOGA COUNTY RECORDER  
200505230953 PAGE 2 of 2

  
FRANK RUSSO  
CUYAHOGA COUNTY AUDITOR

HAMPTON INN & SUITES  
FALLING WATER ROAD  
STRONGSVILLE, OHIO 44136

PROJECT DATE: 10/11/2013	PROJECT NO.: A2620003	DRAWN BY: RDZ	CHECKED BY: JCD
815 GRANDVIEW AVENUE SUITE 650 COLUMBUS, OH 43215 TEL: 614.441.4222 FAX: 888.488.7340			



VALLEY CREEK VILLAGE ASSOC  
PARCEL NO. 396-14-008

STRONGSVILLE FALLING WATERS II, LTD  
PARCEL NO. 396-14-015

VAM II, LTD  
PARCEL NO.  
396-14-001

EX TRANSFORMER -

FHL STRONGSVILLE  
PROPERTIES, LTD  
PARCEL NO. 396-14-001

ENGINEER

THE MANNIK & SMITH GROUP, INC.  
815 GRANDVIEW AVENUE, SUITE 650  
COLUMBUS, OHIO 43214  
CONTACT: JEFF C. DIETRICH  
PHONE: 614-441-8827

PHONE: 614-441-8827  
EMAIL: [JDIETRICH@MANNIKSMITHGROUP.COM](mailto:JDIETRICH@MANNIKSMITHGROUP.COM)

APPLICANT

ALLIANCE HOSPITALITY, INC.  
600 ENTERPRISE DRIVE  
LEWIS CENTER, OH 43035  
CONTACT: NITIN PATEL  
PHONE: 614-846-6600

PHONE: 014-840-0000  
EMAIL: NITIN.PATEL@AHIHOTELS.COM



**NOTE: THIS IS NOT A BOUNDARY SURVEY.**

## PROJECT DATA

**CERTIFIED BUILDING ADDRESS:**  
FALLING RIVER ROAD, STRONGSVILLE, OHIO 44136

PARCEL NUMBER: 396-14-015

PARCEL OWNER: STRONGSVILLE FALLING WATERS II, LTD

PARCEL AREA: 5.26 ACRES TOTAL

ZONING: SC - SHOPPING CENTER

CURVE DATA:  
R=1485.49'  
Δ=22° 33' 35"  
C=31.09'  
B=N18° 36' 33"

STONGSVILLE FALLING  
WATER, LTD

STONGSVILLE FALLING  
WATER, LTD  
PARCEL NO. 396-14-050

LEDGEWOOD EQUITIES, LLC  
PARCEL NO. 396-14-011

## LEGEND

- |                         |                   |                  |
|-------------------------|-------------------|------------------|
| EX UTILITY              | EX COMMUNICATIONS | EX CATCH BASIN   |
| EX FENCE                | EX GAS            | EX CURB INLET    |
| EX SANITARY             | EX STORM          | EX STORM MANHOLE |
| EX UNDERGROUND ELECTRIC | EX WATER          | EX LIGHT POLE    |
|                         |                   | EX FIRE HYDRANT  |
|                         |                   | EX WATER VALVE   |
|                         |                   | EX SIGN          |



LOCATION MAP

NOT TO SCALE



**PROPERTY DESCRIPTION FORM**

Ordinance Number: \_\_\_\_\_

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: Falling Water Rd, Strongsville, OH 44136

Permanent Parcel No.: 396-14-015

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Falling Water Rd to the west.

Number and type of buildings which now occupy property (if any): No buildings currently occupy property.

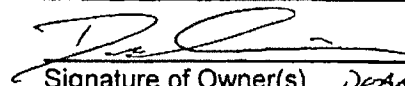
Acreage: 5.26 AC

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): N/A

Said deed restrictions (will) (have) expire(d) on: N/A

Said property is presently under lease or otherwise encumbered as follows: N/A

Owner(s)	Percent of Ownership:
1. <u>Strongsville Falling Water II, LTD</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

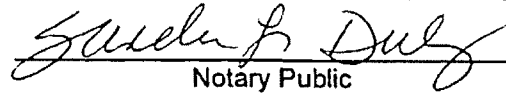
  
Signature of Owner(s) DEAN STRICK

State of Ohio           )  
County of Cuyahoga   )

Sworn to and subscribed to in my presence this 30<sup>th</sup> day of OCTOBER, 2013.



SANDRA L DULAY  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
December 18, 2016

  
Notary Public  
My commission expires DEC 18, 2016

\* Please pay particular attention to the details in item number 5 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.



**PETITION FOR ZONING CHANGE**

Ordinance Number: \_\_\_\_\_

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class SC use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The applicant, whose business is hospitality, wishes to construct a hotel on this site which will allow travelers from I-71 to stop for a rest in a location which grants them access to nearby shopping and dining facilities, bringing business to the City of Strongsville. The applicant also hopes to provide a place for out of town guests to stay while visiting family from the City of Strongsville and a place where local businesses can lodge their travelling employees.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: \_\_\_\_\_

The proposed use will be for a low noise level facility that will be properly screened and shall comply with all building requirements of the City of Strongsville

Please list other supporting documents (if any) which accompany this petition:

1. Zoning Site Plan (14 copies)
2. \_\_\_\_\_
3. \_\_\_\_\_

THE PROPOSED USE OF THE PROPERTY IS: Hotel - Hampton Inn & Suites

Name, address and **telephone number** of applicant or applicant's agent:

Name: The Mannik & Smith Group (Applicant's Agent)

Address: 815 Grandview Ave, Suite 650, Columbus, OH 43215

Telephone Number: (614) 441-8827

Signature of Owner(s) \_\_\_\_\_

DEAN ASHES

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed in my presence this 30<sup>th</sup> day of OCTOBER, 2013.

SANDRA L. DULAY  
Notary Public - OHIO

In and for the State of Ohio

My Commission Expires

December 18, 2016

Sandra L. Dulay  
Notary Public

My commission expires:

DEC 18, 2016

Particular attention to the details in item number 5 on page one. The certified list of property owners shall be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.



**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

---

**TO:** Planning Commission

**FROM:** Leslie Seefried, Clerk of Council

**DATE:** November 19, 2013

**SUBJECT:** Referrals from Council: Ordinance No. 2013-260, 2013-261, 2013-075

---

At its regular meeting of November 18, 2013, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2013-260 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8000 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM MS (MOTORIST SERVICE) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016) AND FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016), AND DECLARING AN EMERGENCY. (PDS Properties, Ltd., Owner. Proposed use: Existing auto collision repair facility with proposed building addition.) *First reading 11-18-13.*

Ordinance No. 2013-261 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Strongsville Falling Water II, LTD., Owner. Proposed use: Hotel-Hampton Inn & Suites.) *First reading 11-18-13.*

Ordinance No. 2013-075 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTIONS 1262.04 AND 1262.05 OF CHAPTER 1262 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO REVISE CERTAIN ACCESSORY USES INCLUDING REMOVAL OF RECREATION AND PHYSICAL FITNESS FACILITIES FROM GENERAL INDUSTRIAL (GI) AND GENERAL INDUSTRIAL-A (GI-A) DISTRICTS, AND DECLARING AN EMERGENCY, AS AMENDED. *First reading 03-18-13. Second reading 04-01-13; amended by substitution. Third reading 11-18-13.*

A copy of each ordinance is attached for Planning Commission review.

LJS  
Attachments

## MEMORANDUM

RECEIVED

DEC - 6 2013

CITY OF STRONGSVILLE  
CITY COUNCIL

**TO:** Leslie Seefried, Council Clerk  
Ken Kraus, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** December 6, 2013

---

Please be advised that at its meeting of December 5, 2013 the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2013-260**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 8000 Pearl Road in the City of Strongsville from MS (Motorist Service) Classification to CS (Commercial Service) Classification (Part of PPN 395-05-016 and from PF (Public Facilities) Classification to CS (Commercial Service) Classification (Part of PPN 395-06-016).

### **ORDINANCE NO. 2013-075**

An Ordinance Amending Sections 1262.04 and 1262.05 of Chapter 1262 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville to Revise Certain Accessory Uses Including Removal of Recreation and Physical Fitness Facilities from General Industrial (GI) and General Industrial-A (GI-A) Districts.

Also at that meeting the Planning Commission **Tabled** the following to allow more time to study the Ordinance.

### **ORDINANCE NO. 2013-261**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Fallingwater Road (PPN 396-14-015) in the City of Strongsville, from SC (Shopping Center) Classification to MS (Motorist Service) Classification.

## MEMORANDUM

RECEIVED

DEC 23 2013

CITY OF STRONGSVILLE  
CITY COUNCIL

**TO:** Leslie Seefried, Council Clerk  
Ken Kraus, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** December 20, 2013

---

Please be advised that at its meeting of December 19, 2013 the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

**ORDINANCE NO. 2013-261**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Fallingwater Road (PPN 396-14-015) in the City of Strongsville, from SC (Shopping Center) Classification to MS (Motorist Service) Classification.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 001

By: Mayor Perciak and Mr. Dooner

**AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR NETWORK ENGINEERING, INSTALLATION, CONFIGURATION, ANALYSIS AND PLANNING, IP PHONE SERVICES AND MISCELLANEOUS NETWORK SERVICES IN SUPPORT OF THE CITY'S OVERALL VOICE AND DATA NETWORK; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles and services; and

WHEREAS, based upon recommendation of the City's Director of Communication & Technology, this Council wishes to take advantage of that opportunity in connection with network engineering, installation, configuration, analysis and planning, IP phone services and miscellaneous network services in support of the City's overall voice and data network during 2014 (Schedule No. 534191, Index No. STS-073) for use by various City departments;

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

**Section 1.** That the Mayor be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in the Ohio Department of Administrative Services contract which the Department has entered into pursuant to Revised Code Section 5513.01(B) with **BLACK BOX NETWORK SERVICES (part of LOGOS Communications Systems, Inc.)**, for network engineering, installation, configuration, analysis and planning, IP phone services and miscellaneous network services in support of the City's overall voice and data network for use by various departments of the City in a total amount not to exceed \$150,000.00 during 2014.

**Section 2.** That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases and to directly pay the vendor, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.



**Section 3.** That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreements and documents as may be necessary for participation in the Ohio Department of Administrative Services Cooperative Purchasing Program.

**Section 4.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

**Section 5.** That 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 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in the contract for various support services and appurtenances for the City's overall voice and data network, in order to maintain continuity and efficiency in the operation of the various departments of the City, and conserve public funds. 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schönhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2014-001 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 002

By: Mr. Dooner

**AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF COMPUTER, PRINTER, SCANNER, NETWORKING HARDWARE AND SUPPLIES, IN SUPPORT OF THE CITY'S TECHNOLOGY NEEDS, BY THE DIRECTOR OF COMMUNICATION & TECHNOLOGY THROUGH CDW GOVERNMENT, LLC; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, the Director of Communication & Technology recommends purchase of various computer, printer, scanner, networking hardware and supplies from CDW Government, LLC, under Contract No. 534334, Index No. STS-033, for use by various departments of the City during 2014;

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

**Section 1.** That this Council hereby authorizes the Mayor to request authority in the name of the City of Strongsville to participate in the Ohio Department of Administrative Services contracts for the purchase of various computer, printer, scanner, networking hardware and supplies, in support of the City's technology needs, by the Director of Communication & Technology through **CDW GOVERNMENT, LLC** for use by various departments of the City in a total amount not to exceed \$150,000.00 for 2014, which the Department has entered into pursuant to Revised Code Section 5513.01(B).

**Section 2.** That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases and to directly pay the vendor, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.

**Section 3.** That this Council hereby authorizes the Mayor and Director of Finance to enter into and execute such agreements and documents necessary for participation in the Ohio Department of Administrative Services Cooperative Purchasing Program.

**Section 4.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

**Section 5.** That 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 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in the purchase of such supplies and hardware in order to maintain continuity in technology systems, and in the operation of various departments of the City, and to conserve public funds. 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2014-002 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 003

By: Mr. Dooner

**AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF SOFTWARE MAINTENANCE AND SYSTEM UPGRADE SERVICES IN SUPPORT OF THE CITY'S DATA SYSTEMS; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH;. AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles and services; and

WHEREAS, based upon recommendation of the City's Director of Communication & Technology, this Council wishes to take advantage of that opportunity in connection with the purchase of software maintenance and system upgrade services in support of the City's data systems (Contract No. 534412, Index No. STS033);

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

**Section 1.** That the Mayor be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in an Ohio Department of Administrative Services contract with **ADVIZEX TECHNOLOGIES, LLC** for the purchase of software maintenance and system upgrade services in support of the City's data systems, in an amount not to exceed \$150,000.00, as required during 2014 through various purchase orders, which the Department has entered into pursuant to Revised Code Section 5513.01(B).

**Section 2.** That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases and to directly pay the vendors, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.



CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2014 – 003  
Page 2

**Section 3.** That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreements and documents as may be necessary to participate in the Ohio Department of Administrative Services Cooperative Purchasing Program.

**Section 4.** That the funds for the purposes of said contract have been appropriated and shall be paid from the General Fund.

**Section 5.** That 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 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in such program and purchase such services in order to facilitate efforts of the City's Communication & Technology Department, to maintain continuity of services and upgrade the various data systems for the City, and conserve public funds. 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2014-003 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 004

By: Mayor Perciak and Mr. Dooner

**AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF COMPUTER HARDWARE AND OTHER PRODUCTS, PARTS AND ACCESSORIES, AND REPAIR SERVICES BY THE DIRECTOR OF COMMUNICATION & TECHNOLOGY THROUGH DELL MARKETING L.P.; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, based upon recommendation of the Director of Communication & Technology, this Council wishes to purchase various computer products, hardware, parts and accessories, and repair services from Dell Marketing L.P. under Schedule No. 534278, Index No. STS-033, for use by various departments of the City;

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

**Section 1.** That this Council hereby authorizes the Mayor to request authority in the name of the City of Strongsville to participate in the Ohio Department of Administrative Services contracts for the purchase of various computer hardware and other products, parts and accessories, and repair services by the Director of Communication & Technology through **DELL MARKETING L.P.** for use by various departments of the City, in a total amount not to exceed \$100,000.00, which the Department has entered into pursuant to Revised Code Section 5513.01(B).

**Section 2.** That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases and to directly pay the vendor, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2014 – 004  
Page 2

**Section 3.** That this Council hereby authorizes the Mayor and Director of Finance to enter into and execute such agreements and documents necessary for participation in the Ohio Department of Administrative Services Cooperative Purchasing Program.

**Section 4.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

**Section 5.** That 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 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in the purchase of such computer products, parts and accessories, and repair services in order to maintain continuity in the operation of various departments of the City, and conserve public funds. 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2014-004 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 005

By: Mayor Perciak and Mr. Carbone

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE LEASE TO OWN AND/OR PURCHASE OF UP TO FOUR 8,500 LBS. GVW PICKUP TRUCKS, ONE 12,800 LBS. GVW PICKUP TRUCK, AND UP TO FOUR 18,000 LBS. GVW CAB AND CHASSIS TRUCKS, TO BE USED BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That the Mayor be and is hereby authorized to advertise for bids for the lease to own and/or purchase of up to four (4) 8,500 lbs. GVW pickup trucks, one (1) 12,800 lbs. GVW pickup truck, and up to four (4) 18,000 lbs. GVW cab and chassis trucks, to be used by the Service Department of the City of Strongsville, in accordance with specifications on file in the office of the Director of Public Service, which are in all respects hereby approved.

**Section 2.** That the funds for the purposes of this Resolution have been appropriated and shall be paid from the Street Construction, Maintenance and Repair Fund.

**Section 3.** That 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 the 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.** That this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

*RES. 2014-005*  
ORD. No. 2014-005 Amended: \_\_\_\_\_

1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 006

By: Mr. Carbone

**A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS AND TO TRANSFER AND EXCHANGE OTHER CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. [Keaton]**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That pursuant to Codified Ordinance Section 1060.09, and in order to correct and adjust certain Strongsville Cemetery records regarding previous interments, this Council hereby authorizes the repurchase of certificates for burial rights in the Strongsville Municipal Cemetery for Graves B, D, F & H, in Lot 16 of Section E, from the Estates of Allan R. Keaton (Deceased) and Rosamond B. Keaton (Deceased) through William Keaton, Executor (and an heir) for the latter, by the City of Strongsville at the same prices that were originally paid therefor.

**Section 2.** That further pursuant to Codified Ordinance Section 1060.09, and for the same reasons, this Council hereby authorizes the Sexton to transfer the certificates for burial rights in the Strongsville Municipal Cemetery for Graves A, C, E and G, in Lot 16 of Section E, from the City to the Keaton family, Estates of Allan R. Keaton and Rosamond B. Keaton, c/o William Keaton, Executor, in exchange and consideration for the repurchases set forth above in Section 1, and at the same cost as the repurchases, resulting in no net cost to either the City or the family.

**Section 3.** That 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 the 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.** That this Resolution shall take effect and be in force from and after its approval by the Mayor.

CITY OF STRONGSVILLE, OHIO  
RESOLUTION NO. 2014 – 006  
Page 2

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

*RES. 2014-006*  
ORD. No. \_\_\_\_\_ Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2014 – 007**

**By: Mayor Perciak and Mr. Southworth**

**AN ORDINANCE RATIFYING AND AUTHORIZING THE MAYOR TO ACCEPT FUNDING AND ENTER INTO A GRANT AGREEMENT ON BEHALF OF THE CITY OF STRONGSVILLE FROM CUYAHOGA ARTS & CULTURE FOR MATCHING FUNDS FOR AN ARTS PROGRAM AT THE EHRSFELT SENIOR CENTER, AND DECLARING AN EMERGENCY.**

WHEREAS, the Cuyahoga Arts & Culture, a political subdivision of the State of Ohio, provides matching funds to qualifying organizations for programs that promote various cultural activities in the State of Ohio; and

WHEREAS, through adoption of Ordinance No. 2013-203, the City authorized the filing of an application for funding through the Cuyahoga Arts & Culture in order to continue the annual Art in Our Lives Exhibit and Reception at the Ehrnfelt Senior Center for 2014; and

WHEREAS, the City, therefore, is desirous of accepting such available matching funds from the Cuyahoga Arts & Culture, in the amount of \$3,402.00, in order to continue its above exhibition for the benefit of its senior citizens;

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

**Section 1.** That this Council hereby ratifies and confirms that the Mayor is authorized and directed to accept such matching funds in the amount of \$3,402.00 from the Cuyahoga Arts & Culture, on behalf of the City of Strongsville, and to enter into the Grant Agreement attached hereto as Exhibit A, titled "Project Support for Units of Government 2014 Grant Agreement."

**Section 2.** That the Mayor, the Director of Finance, the City's Director of Recreation and Senior Services, and/or their designees, be and are hereby authorized to do all other things necessary to perform the terms and conditions required by the Cuyahoga Arts & Culture for such matching funding for the Art in Our Lives Exhibit and Reception, in accordance with their respective responsibilities thereunder.

**Section 3.** That the City's portion of costs is hereby appropriated and shall be paid from the Multi-Purpose Complex Fund.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 007

Page 2

**Section 4.** That 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.** That 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 ratify, confirm and accept the funding awarded thereunder in order to enhance the programs offered by the City's Ehrnfelt Senior Center, to meet grant requirements and deadlines, and to conserve public funds. 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: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
Clerk of Council

ORD. No. 2014-007 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_





December 2, 2013

Dear Cultural Partner,

Congratulations on your Cuyahoga Arts & Culture 2014 Project Support grant. Enclosed is your 2014 Grant Agreement for you to review, sign and return. Along with your agreement, we have enclosed the following:

- *Grant Agreement Overview:* While we expect that you read the full Grant Agreement, the overview highlights pertinent information and sets the context of expectations that come with a grant from Cuyahoga Arts & Culture. **Refer to this document and the Grant Agreement for more information on how to communicate changes to your proposed project, fulfill reporting requirements, obtain funds or request an advance payment.**
- *Credit Expectations:* The updated and revised Credit Expectations is a comprehensive document which outlines the role your organization plays in crediting Cuyahoga Arts & Culture during the grant period. This document outlines Cuyahoga Arts & Culture's requirements and expectations about when, where and how to credit the funding of your project, and provides tools and information to help you meet these requirements and expectations.

After you review and understand the enclosed documents, **please sign and return the entire Grant Agreement** (all three pages, including original signatures) to Cuyahoga Arts & Culture. We ask that you mail the hard copy of the document to the address below by the start of the grant period, January 1, 2014. A fully executed copy of the Grant Agreement will be e-mailed to you for your records. Please keep the *Grant Agreement Overview* and *Credit Expectations* for your reference.

We encourage you to connect with Cuyahoga Arts & Culture by visiting our site [cacgrants.org](http://cacgrants.org) to sign up to receive our e-newsletters and connect with us on Facebook and Twitter.

If you have any questions or comments as you review these documents, please contact me at (216) 515-8303, x101 or [shoffman@cacgrants.org](mailto:shoffman@cacgrants.org). We look forward to working with you.

Sincerely,

Stacey L. Hoffman  
Program Manager

**EXHIBIT A**

## **PROJECT SUPPORT FOR UNITS OF GOVERNMENT 2014 GRANT AGREEMENT**

This Project Support Grant Agreement (the “**Agreement**”) is entered into as of January 1, 2014, by and between **Cuyahoga Arts & Culture**, a regional arts and cultural district and a political subdivision of the state of Ohio (referred to in this Agreement as “**CAC**”), and **City of Strongsville** (referred to in this Agreement as “**Cultural Partner**”).

### **Background**

Cultural Partner made application to CAC for a grant to fund a portion of the costs of the following: **Art in Our Lives** (referred to in this Agreement as the “**Project**”).

This Agreement sets forth the terms and conditions for the grant. By signing this Agreement, Cultural Partner agrees to comply with all the provisions of this Agreement. CAC shall have the right, in its sole discretion, to revoke the Grant and take other actions in the event Cultural Partner fails to comply with any provision of this Agreement. Those actions are described below in Section 8 of this Agreement.

### **Section 1. The Project**

- a. Project Activities: The Project will be carried out as described in the grant application received by CAC on or prior to September 5, 2013, submitted by Cultural Partner to CAC and as approved by CAC for funding (the “**Project Proposal**”). The Project will take place in Cuyahoga County and be for the benefit of the general public. There shall be no variance from the Project Proposal without prior written approval by CAC.
- b. Timetable for Project Activities: Cultural Partner shall begin Project activities on or after January 1, 2014 and shall complete the Project by December 31, 2014.
- c. Notice of Project: Cultural Partner shall inform the public, including CAC, of the time, date, and location of the Project no later than thirty (30) days before the Project is presented to the public. In the event of any change in the time, date or location of the Project, Cultural Partner shall notify CAC, in writing, immediately of such change. In order to provide CAC Trustees and CAC staff with the opportunity to assess the Project, Cultural Partner agrees to provide CAC with two admissions to the Project without charge.

### **Section 2. The Grant**

- a. Grant: CAC awards a grant to Cultural Partner in the amount of **\$3,402** to provide funds to pay a portion of the costs of the Project, subject to the terms and conditions of this Agreement (the “**Grant**”). The Grant shall be disbursed as provided in paragraph (c) of this Section. The payments made by CAC to Cultural Partner under this agreement are subject to annual appropriations to be made by CAC’s Board of Trustees from cigarette taxes levied in Cuyahoga County and distributed to CAC and the certification by CAC’s Executive Director as to the availability of those funds.
- b. Match: Cultural Partner agrees to match the Grant on a dollar for dollar cash basis in accordance with the requirements set forth in 2014 Project Support for Units of Government Guidelines.
- c. Disbursement: Following the signing and delivery of this Agreement, the delivery by Cultural Partner to CAC of evidence that Cultural Partner has secured matching funds, and demonstration to CAC by Cultural Partner that it has begun to or will undertake Project activities within the ensuing thirty (30) days, CAC shall disburse to Cultural Partner the first installment of the Grant. Up to 60% of the Grant may be

disbursed in the first installment. The remaining amount of the Grant will be disbursed to Cultural Partner upon Cultural Partner's submission to CAC of the Final Report as provided in paragraph (d) of this Section. The full payment of the Grant may not exceed 50% of final Project expenses.

d. Reporting: Cultural Partner shall comply with CAC's reporting requirements. Reports shall be submitted using CAC's online grant reporting system and/or applicable forms posted on CAC's website.

(i) Cultural Partner, using CAC's electronic application system, shall complete and submit to CAC within sixty (60) days after completion of the Project, the Final Report, detailing the Project activities. Cultural Partner shall submit a final accounting for the Project, summarizing all sources and uses of Project funds, set forth in the format required in the Final Report. This accounting shall be subject to audit and program evaluation by CAC or its agents. Cultural Partner shall be responsible for the safekeeping and identification of records that corroborate all Project expenditures (sales receipts, invoices, travel claims, pay vouchers) for a period of three (3) years after the completion of the grant period. Those records shall be made available to CAC for inspection and reproduction, at CAC's request.

e. Documentation of Project: Cultural Partner shall provide CAC with documentation of the activities funded by CAC under this Agreement, including but not limited to: copies of publicity and/or printed materials, evidence of compliance with CAC's Credit Expectations as provided in paragraph (f) of this section, and where appropriate photographs or other audio/visual materials. The documentation shall be submitted with the Final Report. Where Cultural Partner is awarded funds for an artistic product such as the printing of a book or completion of a film, or audio or video recording, at least one copy will be made available to CAC.

f. Credit and Publicity Requirements: Cultural Partner shall comply with the requirements for acknowledgment of CAC funding set forth in the Credit Expectations document. CAC may revise the Credit Expectations from time to time, and Cultural Partner shall comply with any changes in the Expectations following receipt of notice from CAC of such changes.

g. Prohibited Uses of Grant: Grant funds shall not be used for: (i) activities taking place in college or university programs, or academic instruction or study which generates course credit; (ii) activities that are not open to the general public; (iii) general operating support or operating expenses not directly related to the Project; (iv) fundraising or benefits; (v) regranting; (vi) scholarships, tuition assistance, awards or cash prizes; (vii) deficit reduction or elimination, trust endowments, cash reserves, penalty or litigation fees, loans, or interest on loans; (viii) capital improvements, facilities or equipment; (ix) religious ceremonies or events advancing or inhibiting a particular religious ideology; (x) cost of receptions, food and beverages; (xi) agent's fees for programs contracted through commercial agencies; (xii) travel outside of the United States; or (xiii) advocacy of specific political causes or candidates.

**Section 3. Representations and Warranties.** Cultural Partner represents and warrants to CAC that:

a. Cultural Partner is a Unit of Government conducting activities directly concerned with arts or cultural heritage.

b. It will maintain up to and during the Project, a permanent and viable base of operations within Cuyahoga County.

c. There are no legal actions, suits, or proceedings pending, or, to the knowledge of the Cultural Partner, threatened against the Cultural Partner before any court, arbitrator, or administrative agency, which, if determined adversely to the Cultural Partner, would have an adverse effect on the financial condition or programs of Cultural Partner.

d. Cultural Partner is not in default under any loan or other agreement relating to borrowed money and is currently a going concern.

e. The information submitted to CAC by Cultural Partner in its application, or its approved revision, for the Grant was then and is now true and correct. Cultural Partner did not omit any information in its application known to Cultural Partner that would cause the information submitted in the application to be misleading in any respect material to CAC's award of the Grant or Cultural Partner's compliance with the terms and conditions of this Agreement.

f. Cultural Partner shall use the Grant solely for expenses relating to the Project and in areas directly concerned with arts or cultural heritage. Cultural Partner shall not use this grant for any expenses prohibited by Section 2(g) of this Agreement.

g. Cultural Partner's governing body has approved this Agreement, accepted its terms and conditions on behalf of Cultural Partner, and authorized the signing and delivery of this Agreement by the person or persons whose signatures are set forth below.

**Section 4. Material Events Notice.** Cultural Partner shall inform CAC of any change in the location of its administrative offices or its performance venues. Cultural Partner shall inform CAC of any change in the person who is in charge of Cultural Partner's governing body (e.g. the chair of its board of directors) and any change in the person who serves as the chief executive officer of Cultural Partner. In addition, Cultural Partner shall inform CAC of any merger or combination of Cultural Partner's organization with another organization, any formal affiliation of Cultural Partner's organization with another organization, and any formal disaffiliation of Cultural Partner from another organization.

**Section 5. Nondiscrimination.** Cultural Partner shall act under this Agreement in a manner such that no discrimination will be exercised against any person because of race, color, citizenship status, national origin, ancestry, sex, sexual orientation, age, religion, physical or mental disability, marital status, veteran status, gender identity or gender status or any other factor protected by law.

**Section 6. Responsibility.** To the extent permitted by law and conditioned on Grantee's appropriation and certification of funds when litigation commences, Cultural Partner shall, at its own expense, defend CAC in all litigation arising from injuries or damages to persons or property caused by the Grantee's negligent acts or omissions while performing Project activities, pay all attorneys' fees, damages, court costs and other expenses arising out of such litigation or claims and shall, at its own expense, satisfy or cause to be discharged such judgments as may be obtained against CAC or any of its officers, agents or employees arising out of such litigation. Grantee agrees to be responsible for all of its negligent acts and negligent omissions and those of its officers, agents, and employees, while acting within the scope of their employment, as set forth in Ohio Revised Code 2744.02 and 2744.03. Nothing in this provision shall be construed or interpreted as a waiver of the sovereign immunity of Grantee or as creating third party rights under this Agreement.

**Section 7. CAC Not Liable for Deficits.** CAC shall not be responsible or liable for any deficit in Cultural Partner's operations.

**Section 8. Remedies Upon Breach.** If Cultural Partner fails to perform its obligations under this Agreement or if any of the representations or warranties made by Cultural Partner in this Agreement are false or cease to be true, and Cultural Partner fails to cure such noncompliance within 30 days following written notice from CAC to Cultural Partner of such noncompliance, CAC shall have the right to exercise concurrently or successively any one or more of the following remedies: (i) wholly or partially suspend or terminate this Agreement, (ii) temporarily or permanently withhold or reduce any of the Grant not yet paid to

Cultural Partner, (iii) recover Grant funds previously paid to Cultural Partner, and (iv) exercise any and all additional rights CAC may have in law or in equity. In addition, any failure by Cultural Partner to comply with this Agreement may disqualify Cultural Partner from eligibility for any subsequent grants from CAC.

**Section 9. Notice Addresses.** Any notice or information to be provided by Cultural Partner to CAC shall be in writing and delivered to the following address:

Stacey Hoffinan, Program Manager  
Cuyahoga Arts & Culture  
1501 Euclid Avenue, Suite 407  
Cleveland, Ohio 44115

By email to: shoffinan@cacgrants.org

Any notice or information to be provided by CAC to Cultural Partner shall be in writing and delivered to the primary contact on file with CAC at the following address:

Kathy Sazima  
City of Strongsville  
18100 Royalton Rd  
Strongsville, OH 44136

By email to: kathy.sazima@strongsville.org

Delivery may be made by U.S. mail, postage prepaid, e-mail or by fax.

**Section 10 Miscellaneous.**

(a) This Agreement is to be governed by the laws of the state of Ohio, and venue shall be proper in the Court of Common Pleas of Cuyahoga County, Ohio.

(b) If any provision of this Agreement should be held invalid by a court in the state of Ohio, all other provisions shall remain in effect and binding upon the parties.

(c) Cultural Partner shall not assign this Agreement in whole or in part without the prior written consent of CAC.

In consideration of the receipt of the Grant by Cultural Partner and in consideration of Cultural Partner's agreement to comply with the terms and conditions of this Agreement, the parties have signed and delivered this Agreement by their duly authorized representatives on the respective dates shown opposite their respective signatures but effective as of January 1, 2014.

**CUYAHOGA ARTS & CULTURE**

By: \_\_\_\_\_  
Karen Gahl-Mills  
Executive Director

**CITY OF STRONGSVILLE**

By: Thomas P. Perciak, Mayor  
Signature of President of Board of Directors

Print Name: THOMAS P. PERCIAK  
Mayor

And By: Bryan V. Bogue  
Signature of Authorized Staff

Print Name: Bryan V. Bogue

Title: Director of Parks Recreation  
+ Senior Services

**Certification of Funds**

As the fiscal officer of Cuyahoga Arts & Culture, its Executive Director certifies that the funds required to meet the obligations of CAC under this Project Support Grant Agreement are on deposit or in the process of collection.

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen Gahl-Mills, Executive Director