



City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
Council Office Fax: 440-572-1648
www.strongsville.org

February 28, 2019

City Council

Matthew P. Patten
Ward 1

Annmarie P. Roff
Ward 2

Kelly A. Kosek
Ward 3

Gordon C. Short
Ward 4

Joseph C. DeMio
At-Large

James E. Carbone
At-Large

Matthew A. Schonhut
At-Large

Aimee Pientka, MMC
Clerk of Council

Tiffany Mekeel, CMC
Assistant Clerk of Council

MEETING NOTICE

City Council has scheduled the following meetings for **Monday, March 4, 2019**, 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. **Planning, Zoning & Engineering** will meet to discuss Ordinance Nos. 2019-030, 2019-035, 2019-036 and 2019-037.

Public Safety & Health Committee will meet to discuss Ordinance Nos. 2019-038 and 2019-039.

Committee of the Whole will meet to discuss Resolution No. 2019-040.

The committee will then consider a motion to adjourn into **Executive Session** with the Law Director and other members of the Administration for the purpose of discussing the sale of real property.

8:00 P.M. **Regular Council Meeting**

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

BY ORDER OF THE COUNCIL:

Aimee Pientka, MMC
Clerk of Council

STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 4, 2019 AT 8:00 P.M.
Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - *Council Meeting – February 19, 2019*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
7. REPORTS OF COUNCIL COMMITTEE:
 - SCHOOL BOARD – All Council:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Short:
 - BUILDING AND UTILITIES – Mr. Patten:
 - COMMUNICATIONS AND TECHNOLOGY – Ms. Kosek:
 - ECONOMIC DEVELOPMENT – Ms. Kosek:
 - FINANCE – Mr. Carbone:
 - PLANNING, ZONING AND ENGINEERING – Mr. Schonhut:
 - PUBLIC SAFETY AND HEALTH – Mr. Short:
 - PUBLIC SERVICE AND CONSERVATION – Ms. Roff:
 - RECREATION AND COMMUNITY SERVICES – Ms. Roff:
 - COMMITTEE-OF-THE-WHOLE – Mr. DeMio:
8. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:
 - MAYOR PERCIAK:
 - FINANCE DEPARTMENT:
 - LAW DEPARTMENT:
9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2019-030 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING AND ADOPTING THE STRONGSVILLE MASTER PLAN 2018. *First reading 02/19/19.*
- Ordinance No. 2019-035 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM IN THE CITY OF STRONGSVILLE IN CONNECTION WITH THE SANITARY SEWER REHABILITATION PROGRAM FOR 2019, AND DECLARING AN EMERGENCY.
- Ordinance No. 2019-036 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING COOPERATION BY THE CITY WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AND CONSENTING TO THE RESURFACING OF PEARL ROAD FROM THE VALLEY PARKWAY TO SPRAGUE ROAD IN THE CITY OF STRONGSVILLE, IN CONNECTION WITH THE PEARL ROAD RESURFACING PROJECT [CUY-42-4.29; PID NO. 105726] WITH THE CITIES OF MIDDLEBURG HEIGHTS AND PARMA HEIGHTS, AND DECLARING AN EMERGENCY.
- Ordinance No. 2019-037 by Mayor Perciak and All Members of Council. AN ORDINANCE REQUESTING CUYAHOGA COUNTY TO PROCEED WITH THE RECONSTRUCTION AND WIDENING OF SPRAGUE ROAD IN THE CITY OF STRONGSVILLE; AUTHORIZING PAYMENT OF DESIGN ENGINEERING AND CONSTRUCTION COSTS FOR THE CITY OF STRONGSVILLE'S SHARE OF SANITARY SEWER WORK, AND DECLARING AN EMERGENCY.
- Ordinance No. 2019-038 by Mayor Perciak and All Members of Council. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF FIFTY-SEVEN (57) SETS OF STRUCTURAL FIREFIGHTING TURNOUT GEAR FOR USE BY THE FIRE DEPARTMENT OF THE CITY; 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. 2019-039 by Ms. Kosek and Ms. Roff. AN ORDINANCE ENACTING NEW SECTIONS 636.23 AND 636.24 OF CHAPTER 636 OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ELECTRONIC SMOKING DEVICES.
- Resolution No. 2019-040 by Mayor Perciak and All Members of Council. A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE STRONGSVILLE CITY SCHOOL DISTRICT LEVY ON THE MAY 7, 2019 PRIMARY ELECTION BALLOT.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Permit: TRFO D5-D6: To: A & L, LLC. DBA: Paddy Wagon Pub; 7990 West 130th Street, Strongsville, Ohio 44136 (Responses must be postmarked no later than 03/18/2019.)

12. MISCELLANEOUS BUSINESS:
13. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 030

By: Mayor Perciak and All Members of Council

**AN ORDINANCE APPROVING AND ADOPTING THE
STRONGSVILLE MASTER PLAN 2018.**

WHEREAS, in 1966, City officials, concerned with coordinating the many varied aspects of community development embarked on an intensive planning program which led to the City's first Comprehensive Plan, formally adopted by the City in 1968; and

WHEREAS, City officials have noted the importance of periodically updating the Comprehensive/Master Plan to reflect changes that occur over time and have, in fact, adopted updates to the Comprehensive Plan at various times, including but not limited to 1990, 1996, 2001 and, most recently, the "City of Strongsville 2015 Comprehensive Plan Update"; and

WHEREAS, the City acknowledges that a Comprehensive/Master Plan is necessary to the coordinated and successful development of the City as it advances into the future; that proper development cannot occur in a vacuum but must be based on sound study and planning and in a coordinated manner; and that this development is essential to the City in achieving its goals and objectives into the future; and

WHEREAS, in that regard, the Cuyahoga County Planning Commission's mission is to inform and provide services in support of the short and long-term comprehensive planning, quality of life, environment and economic development of Cuyahoga County and its cities, villages and townships; and

WHEREAS, therefore, by and through Ordinance No. 2016-190, this Council approved and authorized the submission of an application for financial assistance with the Cuyahoga County Planning Commission in order to be eligible to receive funding under the Community Master Plan Update Program; and

WHEREAS, thereafter, the Mayor's Office was informed that the City was awarded Fifty Percent (50%) matching funds in the amount of \$30,000.00 by the Cuyahoga County Planning Commission in order to begin the process of preparing a Master Plan for the City of Strongsville; and

WHEREAS, by and through Ordinance No. 2017-065, Council authorized the Mayor to enter into a Professional Planning Services Agreement with the Cuyahoga County Planning Commission for professional planning assistance to prepare a Master Plan for the City of Strongsville; and

WHEREAS, the Strongsville Master Plan 2018 has now been drafted and embodies a collection of community aspirations that aim to inspire and guide City officials and residents as they move the community into the future.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 030

Page 2

Section 1. That this Council hereby approves and adopts the "Strongsville Master Plan 2018," a copy of which is on file in the office of the Clerk of Council and with the Secretary of the Planning Commission.

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 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: February 19, 2019

Referred to Planning Commission

Second reading: _____

Third reading: _____

Approved: _____

Public Hearing: _____

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schönhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2019-030 Amended: _____
1st Rdg. 02/19/19 Ref: PZE
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 035

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM IN THE CITY OF STRONGSVILLE IN CONNECTION WITH THE SANITARY SEWER REHABILITATION PROGRAM FOR 2019, AND DECLARING AN EMERGENCY.

WHEREAS, by and through Resolution No. 2019-021, the City advertised and received bids for improvements to the sanitary sewer system in the City of Strongsville in connection with the Sanitary Sewer Rehabilitation Program for 2019; and

WHEREAS, Council is desirous of proceeding to award and enter into a contract for such improvements.

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 finds and determines that the bid submitted by **LAKE COUNTY SEWER CO., INC.**, for improvements to the sanitary sewer system in the City of Strongsville, in connection with the Sanitary Sewer Rehabilitation Program for 2019, meets the specifications on file in the office of the City Engineer; is in compliance with the applicable requirements for bids and contracts established by the laws of the City and the State; and is the lowest and best bid for the proposed contract. Any and all minor defects or informalities in the bidding process are waived. All other bids for this contract are hereby rejected.

Section 2. That accordingly the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder in an amount not to exceed \$397,064.92 for improvements to the sanitary sewer system in the City of Strongsville, in connection with the Sanitary Sewer Rehabilitation Program for 2019, and in a form approved by the Law Director.

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Sanitary Sewer Fund.

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 authorize execution of said contract in order to maintain and improve the municipal sanitary sewer system, and to

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 035

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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	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2019-035 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 036

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING COOPERATION BY THE CITY WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AND CONSENTING TO THE RESURFACING OF PEARL ROAD FROM THE VALLEY PARKWAY TO SPRAGUE ROAD IN THE CITY OF STRONGSVILLE, IN CONNECTION WITH THE PEARL ROAD RESURFACING PROJECT [CUY-42-4.29; PID NO. 105726] WITH THE CITIES OF MIDDLEBURG HEIGHTS AND PARMA HEIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, by and through Ordinance No. 2017-093, this Council authorized the Mayor to enter into a Cooperation Agreement with the Cities of Middleburg Heights and Parma Heights for the resurfacing of Pearl Road between the Ohio Turnpike bridge in Strongsville to just south of Snow Road in Parma Heights ("Project"); and

SECTION I. (Project Description)

WHEREAS, the State of Ohio now has identified the need for the Project, which is described as follows:

Resurface Pearl Road (US-42) from the Valley Parkway to just south of Snow Road, a distance of 6.72 miles more or less, in the Cities of Strongsville, Middleburg Heights and Parma Heights.

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

SECTION II. (Consent Statement)

That it is declared to be in the public interest that the consent of said City of Strongsville as the Local Public Agency ("LPA") be and such consent is hereby given to the Ohio Director of Transportation to complete the above-described Project.

SECTION III. (Cooperation Statement)

That the City as LPA shall cooperate with the Director of Transportation in the above-described Project as follows:

- A. The City as LPA agrees to the City of Middleburg Heights as the contractual agency for the LPA. The entire cost and expense will be provided by the City of Middleburg Heights. No financial participation will be required by the LPA.
- B. The City as LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV. (Utilities and Right-of-Way Statement)

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

SECTION V. (Maintenance)

Upon completion of the described Project, and unless otherwise agreed, the City as LPA shall:

- A. Provide adequate maintenance for its portion of the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116;
- B. Provide ample financial provisions, as necessary, for the maintenance of its portion of the described Project;
- C. Maintain the right-of-way, keeping it free of obstructions for its portion of the Project; and
- D. Hold said right-of-way inviolate for public highway purposes.

SECTION VI. (Authority to Sign)

That the Mayor of the City be and is hereby authorized on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above-described Project.

SECTION VII. (Funding)

That the City's net portion of the costs in connection with the Project, estimated to be \$384,780.00, shall be paid from the General Capital Improvement Fund, the Motor Vehicle Fund and such other Federal, State and local funds which may become available for the Project.

SECTION VIII. (Open Meeting)

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 IX. (Effective Date)

That this Ordinance is hereby declared an emergency measure immediately necessary for the preservation of the public peace, health, safety, and general welfare of the inhabitants of the City, and for the further reason that it is necessary in order to participate with the State and expedite the Project, to promote highway safety, to alleviate traffic congestion, to take

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2019 - 036
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advantage of available funds 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	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2019-036 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

State of Ohio)
County of Cuyahoga) ss.
City of Strongsville)

I, Aimee Pientka, as Clerk of Council of the City of Strongsville, Ohio, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Legislative Authority of the said City on the _____ day of _____, 2019, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 2019.

(SEAL)

Aimee Pientka, Clerk of Council
City of Strongsville, Ohio

ACCEPTANCE

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

ATTEST:

CITY OF STRONGSVILLE

By: _____
Thomas P. Perciak, Mayor

Date: _____

ATTEST:

STATE OF OHIO

By: _____
Director, Ohio Department of
Transportation

Date: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 037

By: Mayor Perciak and All Members of Council

AN ORDINANCE REQUESTING CUYAHOGA COUNTY TO PROCEED WITH THE RECONSTRUCTION AND WIDENING OF SPRAGUE ROAD IN THE CITY OF STRONGSVILLE; AUTHORIZING PAYMENT OF DESIGN ENGINEERING AND CONSTRUCTION COSTS FOR THE CITY OF STRONGSVILLE'S SHARE OF SANITARY SEWER WORK, AND DECLARING AN EMERGENCY.

WHEREAS, reconstruction and widening of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville is being financed by the Ohio Public Works Commission (OPWC), Cuyahoga County and the Cities of Middleburg Heights, North Royalton, Parma and Strongsville; and

WHEREAS, by and through Ordinance No. 2006-004, this Council requested the cooperation of the then Board of County Commissioners of Cuyahoga County and consented to the reconstruction and widening of Sprague Road (CR 67) from Webster Road to West 130th Street in the City of Strongsville; and

WHEREAS, further, by and through such Ordinance, Council authorized the Mayor to enter into an Agreement with the Board of County Commissioners of Cuyahoga County to complete the planning and construction of the improvement of Sprague Road from Webster Road to West 130th Street in the City of Strongsville; and

WHEREAS, the Agreement between Cuyahoga County and the City of Strongsville states that if the County is formally requested by the City through a municipal resolution/ordinance to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), alternate bid item, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in the Agreement, the County will do so, provided that the construction meets with the approval of the County and the City involved in the improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of said additional construction and the cost of preliminary and design engineering, but excluding construction supervision of said additional work; and

WHEREAS, the Sprague Road reconstruction and widening project will include the removal and replacement of approximately ninety (90) lineal feet of sanitary sewer from Webster Road to West 130th Street in the City of Strongsville; and

WHEREAS, by and through the within Ordinance, the City of Strongsville is formally requesting Cuyahoga County to include the design and construction costs for the sanitary sewer within the City of Strongsville, which are not provided for elsewhere and are a replacement of and/or an addition and/or repair to that which now exists.

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 requests Cuyahoga County to include the design and construction costs for the non-OPWC share of the sanitary sewer within the City of Strongsville, which are not provided for elsewhere and are a replacement of and/or an addition and/or a repair to that which now exists, in the plans and specifications for the reconstruction and widening of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville.

Section 2. That the City of Strongsville agrees to assume One Hundred Percent (100%) of the non-OPWC share of the design engineering and construction costs of any expenses incurred by Cuyahoga County for the items specified in the subject improvement for sanitary sewers on Sprague Road from Webster Road to West 130th Street.

Section 3. That this Council approves and authorizes the Mayor to enter into any agreements with the County necessary to complete the planning and construction of this improvement.

Section 4. That the funds necessary to pay for the City of Strongsville's portion of the costs in connection with this project shall be paid from the General Capital Improvement Fund and the Sanitary Sewer 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 an emergency measure immediately necessary for the preservation of the public peace, health, safety, and general welfare of the inhabitants of the City, and for the further reason that it is necessary to formally request Cuyahoga County to proceed with the reconstruction and widening of Sprague Road in order to include the sanitary sewer improvement, 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.

_____	Approved: _____
President of Council	Mayor
Date Passed: _____	Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2019 - 037
Page 3

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2019-037 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 038

By: Mayor Perciak and All Members of Council

AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF FIFTY-SEVEN (57) SETS OF STRUCTURAL FIREFIGHTING TURNOUT GEAR FOR USE BY THE FIRE DEPARTMENT OF THE CITY; 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

WHEREAS, this Council wishes to take advantage of that opportunity in connection with the purchase of fifty-seven (57) sets of structural firefighting turnout gear (Schedule/Contract No. 800526, Index No. STS842), through Municipal Emergency Services, Inc., for use by the Fire Department of the City; and

WHEREAS, due to the large amount of equipment required by the Fire Department, said dealer/vendor has agreed to provide the City a quantity discount below State Term pricing.

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 contracts for the purchase of fifty-seven (57) sets of structural firefighting turnout gear from **MUNICIPAL EMERGENCY SERVICES, INC., an authorized dealer for MORNING PRIDE MANUFACTURING dba HONEYWELL FIRST RESPONDER PRODUCTS**, in the total amount of \$150,993.00, as reflected on Exhibit A, attached hereto, 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 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 purpose of such purchases have been appropriated and shall be paid from the Fire Levy 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 equipment in order to maintain continuity in the operation of the Fire Department of the City, to provide updated equipment for firefighting, 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.

_____		Approved: _____
President of Council		Mayor
Date Passed: _____		Date Approved: _____
	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____
		Attest: _____
		Clerk of Council
		ORD. No. <u>2019-038</u> Amended: _____
		1st Rdg. _____ Ref: _____
		2nd Rdg. _____ Ref: _____
		3rd Rdg. _____ Ref: _____

		Pub Hrg. _____ Ref: _____
		Adopted: _____ Defeated: _____



Quote

6880 Tod Avenue SW
Warren, OH 44481

Date 01/22/2019
Quote # QT1234789
Expires 02/21/2019
Sales Rep Wolf, Michael
PO # Gear
Shipping Method FedEx Ground
Shipping Code (2)

Bill To
STRONGSVILLE FIRE DEPARTMENT (OH)
C/O CITY OF STRONGSVILLE
16099 FOLTZ PARKWAY
STRONGSVILLE OH 44149
United States

Ship To
STRONGSVILLE FIRE DEPARTMENT (OH)
17000 PROSPECT
STRONGSVILLE OH 44136
United States

Item	Alt. Item #	Units	Description	QTY	Unit Sales	Amount
HFRP Tail Coat			HFRP Tail Coat LTO 62V3 Tails Black Spec ID: OHSTRO00051	57	1,599.00	91,143.00
HFRP Tail Pant			HFRP Tail Pant LTO 62V3 PANTS Black Spec ID: OHSTRO00052	57	1,050.00	59,850.00

Subtotal 150,993.00
Shipping Cost (FedEx Ground) 0.00
Total \$150,993.00

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current local tax information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.



QT1234789

EXHIBIT A

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2019 – 039

By: Ms. Kosek and Ms. Roff

AN ORDINANCE ENACTING NEW SECTIONS 636.23 AND 636.24 OF CHAPTER 636 OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ELECTRONIC SMOKING DEVICES.

WHEREAS, tobacco use is the leading cause of preventable death in the United States; and

WHEREAS, cigarette smoking is responsible for more than 480,000 deaths each year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure; and

WHEREAS, if smoking continues at the current rate among youth in the United States, 5.6 million Americans under the age of eighteen (18) are expected to die prematurely from a smoking-related illness; and

WHEREAS, persons under the age of eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. New tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people; and

WHEREAS, the production and distribution of e-cigarettes and similar devices are not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration ("FDA") has not completed testing of these products. However, initial studies by the FDA have determined that e-cigarettes and similar devices can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks; and

WHEREAS, statistics about e-cigarette use by United States youth show that among middle and high school students, 3.62 million were current users of e-cigarettes in 2018; and

WHEREAS, e-cigarette use, from 2017 to 2018, increased 78 percent among high school students and 48 percent among middle school students; and

WHEREAS, the purpose of this Ordinance is to protect the public health, safety and welfare of the property and persons in the City of Strongsville by prohibiting persons under eighteen (18) years of age from possessing and using electronic smoking devices, and prohibiting the sale of electronic smoking devices to persons under eighteen (18) years of age.

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

Section 1. That Section 636.23 of Chapter 636 of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville, be and is hereby enacted in order that it shall read in its entirety as follows:

636.23 PROHIBITING CHILD FROM POSSESSING, USING, PURCHASING OR RECEIVING AN ELECTRONIC SMOKING DEVICE.

(a) As used in this section:

- (1) "Child" means a person who is under eighteen (18) years of age;
- (2) "Electronic Smoking Device" means any electronic delivery device and product containing or delivering nicotine, lobelia or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic smoking device shall include any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic Smoking Device shall not include any product that has been approved or otherwise certified by the U.S. Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose; and
- (3) "Detained" means the temporary care of a child pending Juvenile Court adjudication or disposition, or execution of a Juvenile Court order, in a public or private facility designed to physically restrict the movement and activities of a child.
- (4) "Youth Smoking Education Program" means a private or public agency that is related to tobacco use, prevention, and cessation, that is carried out or funded by the Ohio Department of Health pursuant to Section 3701.84 of the Ohio Revised Code, that utilizes educational methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve hours in duration.

(b) No child shall do any of the following unless accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child:

- (1) Use, consume or possess an Electronic Smoking Device.
- (2) Purchase or attempt to purchase an Electronic Smoking Device.
- (3) Order, pay for, or share the cost of an Electronic Smoking Device.
- (4) Except as provided in division (e) of this section, accept or receive an Electronic Smoking Device.

(c) No child shall knowingly furnish false information concerning that child's name, age, or other identification for the purpose of obtaining an Electronic Smoking Device.

(d) A Juvenile Court shall not adjudicate a child a delinquent or unruly child for a violation of division (b)(1), (2), (3), or (4) or (c) of this Section.

- (e) (1) It is not a violation of division (b)(4) of this Section for a child to accept or receive an Electronic Smoking Device if the child is required to do so in the performance of the child's duties as an employee of that child's employer and the child's acceptance or receipt of an Electronic Smoking Device occurs exclusively within the scope of the child's employment.
- (2) It is not a violation of division (b)(1), (2), (3), or (4) of this Section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives an Electronic Smoking Device, while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which Electronic Smoking Devices are sold or distributed.
- (3) It is not a violation of division (b)(1) or (4) of this Section for a child to accept, receive, use, consume, or possess an Electronic Smoking Device while participating in a research protocol if all of the following apply:
 - (A) The parent or legal guardian of the child has consented in writing to the child participating in the research protocol.
 - (B) A review board sanctioned by the appropriate federal or state agency, or an equivalent entity, has approved the research protocol.
 - (C) The child is participating in the research protocol at the facility or location specified in the research protocol.

(f) If a Juvenile Court finds that a child violated division (b)(1), (2), (3), (4) or (c) of this Section, the court may do any or all of following:

- (1) Require the child to attend a youth smoking education program or other smoking treatment program approved by the court, if one is available.
- (2) Require the child to perform not more than ten (10) hours of community service.
- (3) Impose a fine of not more than One Hundred Dollars (\$100.00).

(g) If a child disobeys a Juvenile Court order issued pursuant to division (f) of this Section, the court may do any or all of the following:

- (1) Increase the fine imposed upon the child under division (f)(3) of this Section.
- (2) Require the child to perform an additional twenty (20) hours of community service.
- (3) Suspend for a period of thirty (30) days the temporary instruction permit, probationary driver's license, or driver's license issued to the child.

(h) A child alleged or found to have violated division (b) or (c) of this Section shall not be detained under any provision of this Chapter or any other provision of the Revised Code.

Section 2. That Section 636.24 of Chapter 636 of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville, be and is hereby enacted in order that it shall read in its entirety as follows:

636.24 ILLEGAL DISTRIBUTION OF OR PERMITTING CHILDREN TO USE AN ELECTRONIC SMOKING DEVICE.

(a) As used in this Section:

- (1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of an Electronic Smoking Device) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is eighteen (18) years of age or older.
- (2) "Child" means a person who is under eighteen (18) years of age.
- (3) "Distribute" means to furnish, give, or provide an Electronic Smoking Device to the ultimate consumer of an Electronic Smoking Device.
- (4) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a birth certificate, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen (18) years of age or older.
- (5) "Electronic Smoking Device" means any electronic delivery device and product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic Smoking Device shall include any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic Smoking Device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of an Electronic Smoking Device, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of an Electronic Smoking Device, and no other person shall do any of the following:

- (1) Give, sell, or otherwise distribute an Electronic Smoking Device to any child.
- (2) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain an Electronic Smoking Device.
- (3) Give, sell, or otherwise distribute an Electronic Smoking Device over the internet or through another remote method without age verification.

(c) The following are affirmative defenses to a charge under division (b)(1) of this Section:

- (1) The child was accompanied by a parent, spouse who is eighteen (18) years of age or older, or legal guardian of the child.
- (2) The person who gave, sold, or distributed Electronic Smoking Devices to a child under division (b)(1) of this Section is a parent, spouse who is eighteen (18) years of age or older, or legal guardian of the child.

(d) It is not a violation of division (b)(1) or (2) of this Section for a person to give or otherwise distribute to a child Electronic Smoking Devices while the child is participating in a research protocol if all of the following apply:

- (1) The parent or legal guardian of the child has consented in writing to the child participating in the research protocol.
 - (2) A review board sanctioned by the appropriate federal or state agency, or an equivalent entity, has approved the research protocol.
 - (3) The child is participating in the research protocol at the facility or location specified in the research protocol.
- (e)
- (1) Whoever violates division (b)(1) or (3) of this Section is guilty of illegal distribution of Electronic Smoking Devices. Except as otherwise provided in this division, illegal distribution of an Electronic Smoking Device is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (b)(1) or (3) of this Section, illegal distribution of Electronic Smoking Devices is a misdemeanor of the third degree.
 - (2) Whoever violates division (b)(2) of this Section is guilty of permitting children to use an Electronic Smoking Device. Except as otherwise provided in this division, permitting children to use Electronic Smoking Devices is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (b)(2) of this Section, permitting children to use an Electronic Smoking Device is a misdemeanor of the third degree.

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.

_____	Approved: _____
President of Council	Mayor
Date Passed: _____	Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2019 – 039
Page 6

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2019-039 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2019 – 040

By: Mayor Perciak and All Members of Council

**A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE
STRONGSVILLE CITY SCHOOL DISTRICT LEVY ON THE
MAY 7, 2019 PRIMARY ELECTION BALLOT.**

WHEREAS, the Strongsville City School District has determined that it should seek approval for an additional 5.9-mill tax levy for current expenses for a period of five years, commencing in 2019 and first due in calendar year 2020; and

WHEREAS, the question of the 5.9-mill tax levy will be submitted to the electors of the City at the primary election to be held on May 7, 2019; and

WHEREAS, since the District last passed a tax levy in 2007, the State of Ohio has significantly cut funding to the Strongsville schools, which resulted in an almost \$9 million dollar State funding reduction and necessitated the School District implementing cost efficiency measures; and

WHEREAS, funds generated by the levy are immediately necessary to generate monies for operating expenses to ensure the highest quality education of the community's students; and

WHEREAS, a highly-performing school district serves to facilitate the attraction of prospective residents and their families to the area, thereby enhancing economic development and encouraging prospective employers to relocate their operations to the City's business parks; and

WHEREAS, property values for homes in communities with highly-performing school districts increase more rapidly over time; and

WHEREAS, a top performing school district also produces a vibrant, multi-generational community because there is a consistent and ongoing influx of new families with school-age children purchasing housing stock from long-time residents.

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

Section 1. That this Council hereby supports and urges all residents to vote in favor of the Strongsville City School District's additional 5.9-mill levy for current expenses for a period of five years, which will be on the ballot at the primary election to be held on May 7, 2019.

Section 2. 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 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2019 – 040
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Patten	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2019-040 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____