

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON, MONDAY, DECEMBER 2, 2019.

The Council of the City of Strongsville met in the Caucus Room at the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, on **Monday, December 2, 2019 at 7:30 p.m.**

Present: Council Members: Matthew A. Schonhut, Annmarie P. Roff, Matthew P. Patten, Joseph C. DeMio, Kelly A. Kosek, Gordon C. Short and James E. Carbone. **Also Present:** Clerk of Council Aimee Pientka. **Administration:** Mayor Thomas P. Perciak, Law Director Neal M. Jamison, Finance Director Joe Dubovec, Economic Development Director Brent Painter, Communications and Technology Director David E. Sems, Service Director Joe Walker, Recreation and Senior Services Director Bryan Bogre, Assistant Building Commissioner Mike Miller, City Engineer Ken Mikula, Human Resource Director Steve Kilo, Public Safety Director Charles Goss, Fire Chief Jack Draves and Police Chief Mark Fender.

Council President DeMio called the caucus to order at 7:00 p.m.

The following Council Committees met to review legislation on the agenda:

Planning, Zoning & Engineering Committee: Chairman Schonhut advised Ordinance No. 2019-184 is to rezone property located at Drake Road and Prospect Road (PPNs 394-21-010, 394-21-012, 394-21-014 and 394-21-015) from LB (Local Business) classification to R1-75 (One Family 75) classification. This will be placed on first reading and referred to the Planning Commission for their recommendation. Mr. DeMio reached out to the owner of the property. The owner advised if any councilmember would like to reach out to him to discuss this rezoning they are more than welcome to.

Public Safety & Health Committee: Chairman Short recommended suspension and adoption for Ordinance No. 2019-185. This is to sell by internet auction certain obsolete property no longer needed for any municipal purpose by the city's fire department. The recommendation was to suspend and adopt this legislation. Ordinance No. 2019-186 is to dispose of various miscellaneous items utilized by the fire department and no longer needed nor safe for any municipal purpose. The recommendation was to suspend and adopt this legislation as well.

Finance Committee: Chairman Carbone recommended suspension and adoption for Ordinance No. 2019-187 which is the general salary ordinance for the year 2020. Mr. Carbone advised this reflects the 2.5% pay raise for next year. This also adjusts the pay range for some employees. Mr. Schonhut asked if the jail supervisor position is a new position. Mr. Carbone advised it was not a new position, it was just changing the pay range from an "8" level to a "9" level. Mayor Perciak advised there are 6 collective bargaining units; and some of these reflections are to treat the non-bargaining units the same as the bargaining units.

Committee of the Whole:

Councilman DeMio advised tonight council has to appoint one of its members to the Income Tax Board of Review. Mr. DeMio advised Mr. Carbone is recommended to fill that position, as he is chairman of the finance committee. Mr. Jamison advised Mr. Dubovec, as well as himself, will also be a part of this board. There will be a hearing scheduled in the future to hear a resident's appeal on a tax matter. Mr. Jamison advised this is not a public meeting; the only persons attending will be the members of the board, the resident along with their representative and members of RITA.

Mr. Jamison advised the safety department, as well as himself, will be reviewing O.R.C. Section 9.68 which takes effect on December 28, 2109. This pertains to the right to bear arms passed by the Ohio legislature. The concern is that some of our existing ordinances may be subject to legal issues when this takes effect.

Mr. Jamison advised council will be discussing tonight a use restriction for KidsFirst Learning Center located at 15163 Howe Road. Present are the owners of the property, Mr. and Mrs. Bill Boyer, as well as their attorney, Stephen Byron.

Mr. Carbone made a motion to adjourn into executive session for the purpose of discussing personnel matters. It was seconded by Mr. Schonhut to adjourn from open session into executive session [Article XI, Section 9, City Charter]. All members present voted aye and the motion carried. Council adjourned into executive session at 7:41 p.m. Also present from the Administration: Mayor Thomas P. Perciak, Law Director Neal Jamison and Human Resource Director Steve Kilo. Safety Director Goss and Police Chief Mark Fender entered the Executive Session at 7:46 p.m. Mayor Perciak and the rest of the administration left the Executive Session at 8:07 p.m. The executive session concluded at 8:13 p.m. and reconvened into open session.

MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON MONDAY, DECEMBER 2, 2019 IN THE MIKE KALINICH SR. CITY COUNCIL CHAMBERS.

CALL TO ORDER:

Council President DeMio called the meeting to order at 8:14 p.m. All joined in the Pledge of Allegiance to the Flag.

CERTIFICATION OF POSTING:

The Clerk of Council certified that the meeting had been posted in accordance with Ordinance No. 2004-273.

ROLL CALL:

Present: Council Members: Matthew A. Schonhut, Annmarie P. Roff, Matthew P. Patten, Joseph C. DeMio, Kelly A. Kosek, Gordon C. Short and James E. Carbone. **Also Present:** Clerk of Council Aimee Pientka. **Administration:** Mayor Thomas P. Perciak, Law Director Neal M. Jamison, Finance Director Joe Dubovec, Economic Development Director Brent Painter, Communications and Technology Director David E. Sems, Service Director Joe Walker, Recreation and Senior Services Director Bryan Bogre, Assistant Building Commissioner Mike Miller, City Engineer Ken Mikula, Human Resource Director Steve Kilo, Public Safety Director Charles Goss, Fire Chief Jack Draves and Police Chief Mark Fender.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting held on November 18, 2019 were approved as submitted.

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITIONS:

Appointment of a member of City Council to the Income Tax Board of Review pursuant to Section 880.46 of the Strongsville Codified Ordinances.

Motion made by Mr. Schonhut, second by Mr. Short, to appoint James Carbone to the Income Tax Board of Review pursuant to Section 880.46 of the Strongsville Codified Ordinances. All members present voted aye and the motion carried.

Administration of Oath of Office to newly-appointed Strongsville Police Department Sergeant Ronald M. Kubacki Jr.

Mayor Perciak – Yes, good evening everyone, it's an honor for me to administer the Oath of Office to our newly appointed sergeant, Ronald M. Kubacki Jr. Come on up chief.

Chief Fender – Thank you mayor, members of city council, fellow directors, colleagues, friends, family and our community. We have a promotion tonight and that's Officer Ron Kubacki, the sergeant. Ron is a replacement for a sergeant that we had that recently retired. Ron, if I could get you to come up and stand right over here to my right. I will tell everybody a little bit about Ron. In 2004, Ron graduated from John Carroll University where he joined the Army ROTC program. Upon graduation, Ron entered the Army as a Second Lieutenant serving as a Field Artillery Officer in the 82nd Airborne Division. Ron is a veteran of Operation Iraqi Freedom, serving as a platoon leader for 12 months before being promoted to Captain. After serving in the Army for four years, Ron was hired in 2009 by the Strongsville Police Department. He has been in the patrol division for over 10 years and has served the department as a Field Training Officer, Firearms Instructor, TASER Instructor and Defensive Tactics Instructor. Ron is married to Danielle and they have three sons that are here tonight: Ronnie, Luke and Noah. They will be joining their dad in his swearing-in.

At this time, Mayor Perciak administered the Oath of Office.

(Applause)

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITIONS (cont'd):

Presentation by Southwest General Health Center Representatives William A. Young, President and CEO; Albert E. Matyas, Vice President of Ambulatory Operations & Business Development; Susan Tout, M.D. EMS Medical Director; Jackie Haumschild, EMS Program Manager and American Heart Association's Representative Alexander Kuhn, Senior Director, Quality & Systems Improvement:

- **Recognition of the City of Strongsville Fire and Emergency Services Department for receiving the 2019 Mission: Lifeline EMS Gold Plus recognition, from the American Heart Association, for outstanding cardiac care.**

Chief Draves – Mayor and members of council, it's also a special night for the fire department. The fire department is being recognized tonight for our excellence in cardiac care. At this time, I'd like to invite members of Southwest General Health Center to come forward: Bill Young, President and CEO; Al Matyas, Vice President of Ambulatory Operations & Business Development; Dr. Susan Tout, EMS Medical Director, Jackie Haumschild, EMS Program Manager and Alexander Kuhn from the American Heart Association, Senior Director & Quality Systems Improvement.

Mr. Kuhn - It's great to be here in Strongsville tonight to recognize the Strongsville Fire Department for the quality of care that they provide for a STEMI heart attack, which is the most serious type of heart attack there is. Many agencies, through the country, have protocols and equipment to diagnose a STEMI and do a lot of training to make sure that they are providing the best care possible for a STEMI; but this recognition goes a little bit further. This is a Quality Achievement Award; and so what we're asking agencies to do is to go back and look at the quality of care that they're providing and find opportunities for improvement based on the ACC and AHA guidelines. There are about 615 agencies that receive this award out of about 21,000 in the United States; 99 in Ohio. This is the 6th year that Strongsville has received the award and they are 1 of 8 agencies in the State that has received this award every year. To receive the award, they have to meet criteria at 75% or more for 24 months; and these criteria include: any patient that is having heart attack signs and symptoms get a 12 lead ECG; they have a positive ECG-4 STEMI that they notify the hospitals within 10 minutes; and most importantly, anywhere in your community when EMS arrives at your side, from the time they see you to the time they get you in the back of the ambulance to the time that they drive to the hospital, get to the emergency room, up to the cath lab, and your arteries open has to be 90 minutes. That's phenomenal; that takes a lot of work and coordination between the fire department and Southwest General to make that happen. Additionally, we also ask for this award this year, for the plus award, that they do ECGs within 10 minutes. It's really about lives saved which is a mission of the American Heart Association; and when you look at the CDC data for Cuyahoga County, and I'm sorry I don't have Strongsville's specifically, there's been a 41% decrease from deaths from heart attacks in Cuyahoga County over the last 10 years. That means about 300 more people are on the street that are surviving or are not dead from heart attacks in your community. On behalf of the American Heart Association, staff and volunteers, I'd like to present Strongsville's Fire Department with the American Heart Association's Mission Lifeline 2019 EMS Gold Achievement Award.

At this time, the award was presented.

(Applause)

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITIONS (cont'd):

Chief Draves – Actually, what I'd like to do is have all the medics come up here please and stand around back. Guys, come up front. Obviously, this is not an individual award; it's the duties that the guys do day in and day out. To highlight the accomplishments here, we decided this year to do a couple of things differently. We wanted to go back and look at a couple of incidents that happened over the last year where our criteria was evaluated. We identified 3 calls where we had cardiac patients and I'll read the synopsis real quick. We have a special guest in the audience tonight. We have one of our patients who was able to be here. I'll save him for last.

The first call was acting Lt. Joe Agresta, firefighter Steve Siudowski and Doug Kallin. Joe Agresta is one of the guys that sits here tonight. Mr. Schwark...all the patients gave us their permission to use their name and their events today. He was not able to be here tonight, but agreed to have his story told. On July 31st, 2018, Mr. Schwark was at home in Strongsville when he developed some sudden dizziness and a feeling of weakness. The firefighters responded and found Mr. Schwark pale and diaphoretic. Recognizing the urgency, the squad quickly moved Mr. Schwark to the squad, and treated him with a number of procedures. The quickly called in a STEMI alert and activated the cath lab at Southwest General Hospital. Once they arrived in the ER, he was quickly transferred to the cath lab where it was determined that Mr. Schwark had a 100% blockage of his LAD. His Door-To-Ballon time (D2B), which Alexander highlighted, was an amazing 29 minutes; so he hit the door at the hospital and he was up in the cath lab and had his artery opened in just 29 minutes. He has continued to progress through the cardiac rehab and wants to sincerely thank the crew for their outstanding care provided during his heart attack. He specifically remembers the comfort and reassurance that was provided that helped calm him down during this experience. So from the American Heart Association and the highlight of this call we would like to...they brought us some challenge coins; so I'd like to give one to Joe and his crew. The other two guys aren't here but I'll make sure that they get those; so congratulations Joe, Doug and Steve.

(Applause)

Our second incident is Lt. John Douglas, firefighter Jason Cerovac and firefighter Jamie Grimm, and this was Mr. Maykut . He could not make it to tonight's ceremony. He actually had hip surgery this afternoon. On December 8th, 2018, Mr. Maykut was sleeping when he suddenly woke with severe chest pressure/pain that radiated up to the left jaw and neck and also down the left arm. These firefighters responded to find Mr. Maykut anxious, pale and diaphoretic. The squad immediately recognized the urgency of the call, carried Mr. Maykut down the stairs and performed a number of lifesaving procedures. They quickly identified an Anterior Wall heart attack and called the STEMI alert. He was transported to SWGH and had a D2B time of just 57 minutes. Mr. Maykut had a 100% blockage of the LAD; but made a complete recovery and is extremely grateful for the outstanding work performed by the Strongsville paramedics and his care team at SWGH. John, Jason and Jamie, where are you guys at? Congratulations guys.

(Applause)

Mr. Pratt, if you would like to come up, you and your wife, you're welcome to come up. Mr. Pratt is our special guest tonight. On July 12, 2018, Mr. Pratt was painting in his home. He started feeling dizzy and lightheaded and sat down in place. He had recently received a clean bill of health from his doctor, but after 20 minutes, his wife intervened and dialed 911. Lt. Brian Tomcany, firefighter Brandon Sposit and Mark Evans responded. Although he was awake and alert, he was pale and was getting worse at the time of arrival. Once in the ambulance, his heart rate was only 30 beats per minute and his BP was dangerously low. It was quickly recognized that he was in a 3rd degree heart block and was, in fact, having a heart attack. After the rapid treatment, SWGH was notified of an incoming heart attack patient.

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITIONS (cont'd):

Chief Draves (cont'd) - They quickly activated the heart catheterization lab and it was determined that his right coronary artery was 100% blocked. The interventional cardiologist placed a stent and restored blood flow to the injured area of the heart. The key measure, as we have said in the rapid treatment of a heart attack, is a D2B time. Mr. Pratt's time was only 42 minutes. Once again, he went through cardiac rehab, has fully recovered and is here with us tonight; so thank you sir.

(Applause)

Chief Draves – At this point, I would like to turn it over to Dr. Tout so she can say a few words about the EMS program.

Dr. Tout – Thank you, I don't know how much you appreciate it from these 3 cases; but it is very, very complex to diagnose a cardiac condition and acute coronary syndrome in the field. It's a pleasure every day to work with these guys. These are some of the most intelligent, caring paramedics in Northeast Ohio. I'm very, very proud of Strongsville.

(Applause)

Dr. Tout – Just as these cases exemplify, someone can be pale or dizzy; it's not as easy as chest pain, always going to the right places in the body. They do the right thing- they assess, they use their critical thinking skills and I'm so happy to see the in-person outcomes of the care they deliver. We also know that in order to be successful at cardiac care, it is a system approach. It starts with these folks and then carries over into our hospital through the emergency department, into the cath lab and those walls and through the rehab process, as we were discussing with the family here. That system is really something we work harder and harder and harder on to try to perfect as much as we can. These times are phenomenal- that cath lab intervention and arteries are opened within less an hour time, like 29 minutes. Those are only 3 cases; these folks in this community... hundreds of EKGs are sent to our emergency department annually. Very rarely are there any misses; very, very rarely, especially in Strongsville. I'm really proud of their Mission Lifeline Award; again, 6 years running at a gold level which is not only a recognition of the quality, but the volume of patients that they take care of with chest pain. This community should be super, super proud of the EMS and the leadership that's provided by Chief Draves and the assistant chiefs and the educators in this community. We're always happy to receive their patients because we know their well packaged and their well identified and they do the right things. Just to read to you, this is a Mission Lifeline EMS Gold Plus Achievement Award, "The American Heart Association recognizes the EMS provider organization for demonstrating continued success in using the Mission Lifeline program. Thank you for applying the most up-to-date evidence based treatment guidelines to improve patient care and outcomes in the communities' served." and obviously, save lives; so thank you all again on my behalf, I appreciate you tremendously.

(Applause)

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITIONS (cont'd):

Mr. Young – We're happy to be here to celebrate with the responders and thank them for the good work they're doing out there. We're very proud of the outcomes at SWGH; but we could not achieve what we do at the hospital without the strong partnership with these guys. They start it in the field and then we carry it on. Thank you to you guys, you're doing great work. We're proud to be a part of what you're doing and to partner with you and help support you; so congratulations.

(Applause)

REPORTS OF COUNCIL COMMITTEES:

SCHOOL BOARD – Ms. Kosek: Yes, I attended the school board meeting on the November 21st. They had the opportunity to honor three student athletes who had qualified for State competition. Michael Lee qualified for the State golf tournament, Megan Vapenik and Julia Isham also qualified and competed in the State cross country tournament. Congratulations to those student athletes. The board also approved a state of the art scoreboard. The boosters agreed to pay for the scoreboard. The scoreboard is going to be the latest and the greatest technology which will allow our students a hands-on experience to program and run the scoreboard. I did not know this, but apparently it is a profession that you can have to be someone who programs a scoreboard; so this is an opportunity that our students will have to try that out as part of this program. Thank you to the Boosters for that. Additionally, the school board approved a policy regarding signage on school property. Signs will be restricted in time, place and manner; with Superintendent Ryba having the ability to designate a location for any signage. Finally, the school set the school calendar for the next two school years. The school will start the third week of August and will end before June. Spring break is going to coincide with Polaris's spring break which will be the week of Easter. The next school board meeting is December 12th. If anybody has any questions; otherwise, that's my report.

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Short: Thank you Mr. DeMio, we did not have a board meeting. The next board meeting is scheduled for next Wednesday, I believe, so we'll have a report after that. Again, and I've been saying it all year, we just have a really great medical facility and asset here just over the border in Middleburg Heights that serves the Strongsville community. I know Mr. Young left but I wanted to thank him and all the work they do there at Southwest. That will conclude my report but I will happily take any questions.

BUILDING AND UTILITIES – Mr. Patten: Thank you Mr. DeMio, no ordinances or resolutions this evening in Building and Utilities but I will happily take any questions if there are any. If not, then I will close my committee.

COMMUNICATIONS AND TECHNOLOGY – Ms. Kosek: We have no ordinances or resolutions on the agenda for Communications and Technology but I will happily take questions.

REPORTS OF COUNCIL COMMITTEES (cont'd):

ECONOMIC DEVELOPMENT – Ms. Kosek: We will have our next Economic Development committee meeting on December 9th at 7:00 p.m. in these chambers. The retail advisory board met last Monday; and I will turn it over to Jim to report on that.

Mr. Carbone – Thank you, our advisory board's topic of last week was the mall. Thank you for George, the school treasurer, for coming up with some numbers. Just to give you a couple, the mall property, the complete property, brings in roughly \$3.3 million dollars a year to our schools. The mall is currently looking for a decreased valuation of their property from \$181,866,000.00 to \$135,000,000.00. If it was granted, it would be approximately a \$700,000.00 year loss annually to the school district. Also, keep in mind that the Cleveland Clinic has a tax-exempt status currently. That will result in a loss of \$439,000.00/year. They also did settle with the schools for just roughly over a million dollars-a one-time settlement. Also, thank you to the mayor and Brent Painter for coming in. There was some...they had talked about Cleveland State University, out of Urban Affairs, estimating a net impact of proposed land-use changes study. It takes in mind what would happen with a rezoning, for instance, on a certain property; and they do scenarios and to see what impact it would have on our services; so that was very helpful. Also, we know the change in retail; so it was kind of nice that Brent and the mayor shared some positive notes with our mall. Just to share some, six million visitors a year, which are very strong numbers; we have just over a 90% occupancy rate; we have new national chains that are coming in. Even our big box stores are very high performing. Our Kohls, our Macy's, our J.C. Penney, Victoria's Secret, and I think Brent said Dick's, per square foot, is the best store that they have. That's a very good, positive note. After everybody left, our advisory board discussed the mall and what we would do to move forward. The board was still concerned, even though our big box stores are high performing, it's what's going on nationally with the box stores. The advisory board really wanted to look at considering expanding some zoning at the mall; looking at more entertainment, apartments, condos, hotels, offices, etc. I explained to them that we do not own that property and we can't arbitrarily just rezone somebody's property underneath their feet. What we did come up with; and a little bit of a proposal, was maybe to work with our city planner, to look at zoning options again, drafting something and then meeting with Starwood and explaining to them what we would like to do and see if they would want to jump on board with this. Get their input and put something together so we can make sure that we have the sustainability at the mall that we all want in our community. That ends my report.

Ms. Kosek – Thank you, so that's all we have for Economic Development, but Mr. Schonhut was so kind to remind me that I should alert everyone to sign up for Ready Notify; which is a mass communications system. I think we've mentioned it before. If you go to readynotify.us, you can sign up online for your phone and get text messages. It will let you know things like emergency events, government news, street and building closures, water boil alerts, safety messages, etc.-things that will help you stay connected to things that are happening in the city or in the county that you would need to know. Again, that's readynotify.us; totally voluntary but we encourage everyone to sign up, thank you.

FINANCE – Mr. Carbone: I have one ordinance this evening, Ordinance No. 2019-187. This is amending the general salary ordinance concerning salary, hourly, pay range schedules; to fix the compensation for certain salaried and hourly employees. The recommendation is to place this on first reading. That ends my report.

REPORTS OF COUNCIL COMMITTEES (cont'd):

PLANNING, ZONING AND ENGINEERING – Mr. Schonhut: Thank you Mr. DeMio, one ordinance tonight, Ordinance No. 2019-184. It is a rezoning at the intersection of Drake Road and Prospect Road, the southeast corner, from local business to R1-75 for 4 different parcels. We're going to put that on 1st reading tonight and refer that over to the Planning Commission. That is all that I have unless anybody has any questions.

PUBLIC SAFETY AND HEALTH – Mr. Short: Thank you Mr. DeMio, we have two ordinances on tonight's agenda, Ordinance No. 2019-185 and 2019-186. Both deal with the fire department and the removal of obsolete equipment from the department; some of which, under 2019-185, will be sold at internet auction; and under 2019-186, to be just disposed of because they are no longer even usable. The recommendation there is to suspend and adopt both of those. Also, again with the fire and EMS, I think we saw what a great group of individuals we have and a great department we have here in Strongsville; and their dedication to their job in this city which makes Strongsville a great place to live, work and play; and if you get sick or have a heart attack as well. I want to commend the department for their training and the people there. Also, to Sgt. Kubacki for his promotion tonight. As a fellow John Carroll Blue Streak, I'm proud to see us Blue Streaks doing well here in Strongsville. With that, I will conclude my report.

Mayor Perciak – Just one thing, his uncle was the star quarterback for the St. Ignatius Wildcats in the Mid 60s.

Mr. Short – The Jesuits run deeply in that family.

Mayor Perciak – I do remember that very clearly when I was at Benedictine, home champions.

PUBLIC SERVICE AND CONSERVATION – Ms. Roff: I do not have anything for public service, unless Mr. Walker has anything to offer?

Mr. Walker – Well, the only thing I would like to keep everybody up to date on is we're continuing the leaf collection program. We'll continue to run the trucks until the weather completely shuts us down. We do know there are still a lot of leaves out there; so we're going to keep running those trucks until we have to quit.

Ms. Roff – So, you'll go back around again?

Mr. Walker – Yes, we'll continue to run the north area, than the south area; but if people have leaves out, feel free to call. We'll take addresses and make sure we get to them.

Mr. Schonhut – I saw them going till about 6 p.m. tonight, in not fun weather conditions today; so I know they're working hard at it.

Mayor Perciak – Just for the record, they are only working in the subdivisions after 5:00 p.m., we will not allow our men to be out on the main streets during high traffic volume hours in the dark. That would just not be a good thing; so if you live on one of the main streets, you're not going to see us after 4:00 p.m. If you're in the subdivisions, we're still going to do our very best to work as long as we can.

Ms. Roff – Thank you very much, that closes that committee.

REPORTS OF COUNCIL COMMITTEES (cont'd):

RECREATION AND COMMUNITY SERVICES – Ms. Roff: For recreation, I do not have anything unless Bryan has something? That closes my committees unless there are questions.

Mr. DeMio – Thank you, and thank you so much for showing up. I know you're ill...you're hanging in there? All right, God Bless.

COMMITTEE OF THE WHOLE – Mr. DeMio: We met in caucus this evening and we went over the agenda. We did have an opportunity to go into executive session to discuss personnel matters. We, of course, are out here now. Unless our law director says I shouldn't close the committees, am I good?

Mr. Jamison – You're good.

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

MAYOR PERCIAK: Thank you Mr. President, just a few quick thank yous. I'd like to personally thank Rev. Chuck Knerem, the Pastor of First Lutheran, who hosted the ecumenical Thanksgiving service on Wednesday evening. Not only was Pastor Chuck there, Pastor Heidi from the United Church of Christ, Father Joe Mammich from St. Joes, Deacon Ken from St. Johns, Rev. Dave Scavuzzo from the Methodist Church and Rev. Kathy, also from First Lutheran. It really was a coming together of the community. I was proud to say it was really a proud moment for our community to come together. On Thanksgiving Day morning, Father Mammich also held a special Thanksgiving Day mass. The church was full. I want to extend a personal thank you to him for again opening up the doors at St. Joe's to our entire community on Thanksgiving morning. Father Joe, as always, has done a marvelous job and I want to thank everyone at St. Joe's for what they did also. Both of those parish families in our community really outdid themselves for the Thanksgiving Day holiday. This coming Friday, we have our scholarship dance at Michauds. It starts at 7:00 p.m. and it goes until whenever. I will be selling tickets at the bar; so don't ask me a lot of questions because people get impatient; but this is probably one of the finest fundraisers that we have in this community because the Strongsville Chamber of Commerce distributes over 20 scholarships each year as a result of this dance. It's for all of our graduates. It doesn't matter whether you graduate from Strongsville High School, St. Ignatius, Benedictine, St. Eds. Holy Name. They interview these kids, they apply for these scholarships, and these scholarships are awarded to them; and it's all because of this scholarship dance that will be held on Friday evening. I ask all of you, please if you can, help The Chamber. If you can't come, make a donation to The Chamber because our kids benefit from this. I think last year, and I'm going from memory-correct me Mr. President of The Chamber, I think it was about \$40,000.00 is what our distribution was for scholarships last year.

Mr. Goss – That's correct mayor; and since we began these fundraising dances, The Chamber of Commerce has awarded more than a half a million dollars in scholarships to high school students from Strongsville.

Mayor Perciak – Thank you, so you can see, really it's a worthwhile event; so please support our Chamber. By supporting our Chamber, you support our kids; thank you very much.

FINANCE DEPARTMENT – Mr. Dubovec: Thank you Mr. President, funds are available for all ordinances and resolutions on this evening's agenda requiring certification of funding. That concludes my report, thank you.

REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS (cont'd):

LAW DEPARTMENT – Mr. Jamison: Thank you Mr. Chairman, all ordinances and resolutions are in proper legal form. I know a lot of you are excited that myself and Director Goss are going to the next installment of the airport traffic discussion. That will be at the Ohio Aerospace Institute; so look forward to an update at the next meeting. That concludes my report.

AUDIENCE PARTICIPATION:

Mr. DeMio – Right now, we have one person who signed in. It doesn't mean that we can't have others come up. Just to remind those that do come up, we do have a five minute window. We'd appreciate it if you conformed to that. We have Mr. Pippin; I do know Mr. Pippin you signed in. Did you want to watch or did you want to...?

Mr. Pippin – I want to watch.

Mr. DeMio – Okay, I wasn't sure. Is there anyone else that wanted to come up? I think you know the routine. I know you have that great radio voice.

Daniel Ponstingle, 13337 Royalton Road, Strongsville, OH: Thank you very much, I appreciate that. Good evening members of council. The first name is Daniel and the last name is Ponstingle, 13337 Royalton Road. Mr. President, Mr. Mayor and members of council, within the hour I received a phone call from some of my neighbors of the West 130th and Royalton Road area over there, about that pending litigation-Petros vs. City of Strongsville. I don't know if there's information that I should have and take back with me. They said there was a meeting here tonight covering that topic. I didn't see anything on the agenda. Is that true or not true?

Mr. Jamison – No, there is no discussion tonight, nothing on the agenda. There's nothing to report. The litigation is ongoing. Both sides have been engaging in what's called discovery and whatever you are hearing is not from the city's side.

Mr. Ponstingle – Okay, nothing from here.

Mr. Jamison – No sir.

Mr. Ponstingle – Okay, I am following the docket, so I thought I saw something; thank you sir.

Mr. DeMio – Thank you so much, I appreciate you coming up and I appreciate your radio voice, believe me.

Mr. Ponstingle – Okay, I'll be on ESPN.

Mr. Schonhut – And tell Linda we all say hello.

Mr. Ponstingle – Yes, she sends her good wishes.

Mr. DeMio – So I will, I believe, close audience participation.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2019-184 by Mayor Perciak and All Members of Council. 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 PROPERTIES LOCATED AT DRAKE ROAD AND PROSPECT ROAD, IN THE CITY OF STRONGSVILLE, FROM LB (LOCAL BUSINESS) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION, AND BEING ALL OF PPNs 394-21-010; 394-21-012; 394-21-014; and 394-21-015.

Placed on first reading and referred to the Planning Commission for their recommendation.

Ordinance No. 2019-185 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION, OF CERTAIN OBSOLETE PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY'S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Motion by Mr. Carbone to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. Schonhut. All members present voted aye and the motion carried.

Motion to adopt by Mr. Carbone, second by Mr. Schonhut.

Roll Call: All ayes. Motion carries.

Ordinance No. 2019-185 ADOPTED

Ordinance No. 2019-186 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE DISPOSAL OF VARIOUS MISCELLANEOUS ITEMS UTILIZED BY THE FIRE DEPARTMENT, AND WHICH ARE BEYOND THEIR SERVICE LIFE, OBSOLETE AND/OR DAMAGED AND NO LONGER NEEDED NOR SAFE FOR ANY MUNICIPAL PURPOSE.

Motion by Mr. Carbone to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. Schonhut. All members present voted aye and the motion carried.

Motion to adopt by Mr. Carbone, second by Mr. Schonhut.

Roll Call: All ayes. Motion carries.

Ordinance No. 2019-186 ADOPTED

Ordinance No. 2019-187 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND SECTIONS 4-013, 5-152, 5-156, 5-187, 6-003, 9-007, 9-008, 9-009, 9-010 AND 9-011, IN ORDER TO ADJUST CERTAIN PROVISIONS CONCERNING SALARY AND HOURLY PAY RANGE SCHEDULES; TO FIX THE COMPENSATION OF CERTAIN SALARIED AND HOURLY EMPLOYEES; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

Placed on first reading.

COMMUNICATIONS, PETITIONS AND CLAIMS:

(None)

MISCELLANEOUS BUSINESS:

Discussion with Bill Boyer, owner of KidsFirst Learning Center located at 15163 Howe Road, and Stephen Bryon, attorney for Mr. Boyer, in regards to a use restriction on said property.

Mr. DeMio – Real quick, under Miscellaneous Business, we're going to use that under the same understanding as Audience Participation; so try to get it within five minutes. It's a discussion with Bill Boyer, owner of KidsFirst Learning Center, located at 15163 Howe Road, and Stephen Bryon, attorney for Mr. Boyer, in regards to a use restriction on said property.

Mayor Perciak – The directors are excused.

Mr. DeMio – Again, if you could, state your name and address, if you could.

Stephen Bryon, 3333 Richmond Road, Suite 370, Beachwood, OH: My name is Stephen Bryon. I am attorney for KidsFirst Learning Center and the Boyers. My address is 3333 Richmond Rd., Suite 370, Beachwood, OH. Before I start, I just want to compliment the mayor and council. I am a law director in 4 communities out East: Hunting Valley, Waite Hill, Pepper Pike and Orange Village; and I want tell you that you have a very well run council meeting, both from your caucus area which I got a chance to observe, and your safety forces are clearly without peer. Congratulations to all of you on your work here. That's to soften you up...

(Laughter)

Mr. Bryon - ...because we need to ask you a favor. We need to ask for your help here. The KidsFirst Learning Center went into business back in 2006 after a zoning change. At the time, they put some deed restrictions on their property in order to convince the public, when they went to referendum vote, that they were going to do what they said they were going to do. They did just that. They got the referendum passed and they got the KidsFirst Learning Center built; and they have for 10 years been good citizens of Strongsville and providing education to the kids of your community. They are now at a point where they need to refinance. There are many people here who know the financial industry; it's not the banks necessarily making the decisions but regulators making the decisions for the banks. They're not accepting of the deed restrictions that are on the property. There's no intention, on behalf of KidsFirst, to change the use of the property; but they need relief from the deed restrictions that says you have to have it as a private educational institution-you have to have it named KidsFirst Learning Center. I've never seen one of these where the name was locked in. That was a promise to the community at the time of the election; and I would say that promise was fulfilled. I'm going to ask Mr. Boyer to come up here and make the pitch because I think he can do it better than I can. Thank you for your time.

Bill Boyer, 15163 Howe Road, Strongsville, OH: Mr. President, mayor, ladies and gentlemen, thank you for your time tonight.

Mr. DeMio – Thank you for coming.

MISCELLANEOUS BUSINESS (cont'd):

Mr. Boyer – My wife Martha, was the guiding genius of KidsFirst Learning Center, started our business actually back in 1992 and we've been in business since that time. We've never missed a payroll; we've never missed a mortgage payment and we've been very grateful to have educated upwards of about 400-500 children, Strongsville children, here in Strongsville after we built our center over on Howe Road. We have financing that comes due; our mortgage comes due on the 6th which is Friday. We had danced around the idea of getting this changed. I've talked with Mr. Jamison several times over the past couple of years; but we haven't been able to. We've got a new lender who will take over. We don't have any plans of changing anything at KidsFirst. Thank heavens things are going very well there; but we do need to replace the current loan that we have with the new lender, the new loan, and the new lender will not agree to these restrictions. We think that we've done what we said we would do. We've kept our word. We built a nice building and maintained it well. We've operated a good, clean, wholesome and first rate children's early education center there. We ask you to help us now by lifting these restrictions which we think are really not necessary at this point because we've done what we said we would do; and to allow us to pay off the existing loan and put a new loan on the property. We kind of have our backs against the wall. Our current lender said that they would extend for a weeks while we work this out with the city; but we do need your help and we ask for it, thank you. I'll take any questions. Did I stump you?

Mr. Jamison – All I can say is, and I've talked to Mr. Bryon and you as well Mr. Boyer, that certainly, the purpose tonight was to have council listen to what you both have to say. I think at the appropriate time in the future we'll have that discussion, whether to entertain what you've said and then go from there. My question is what restrictions specifically are you looking to be lifted? I know you went through a whole host at the beginning; so I just want to be clear which ones...are you looking for everything or just certain things?

Mr. Boyer – There were only two restrictions sir. That was that this property shall forever and all time be a children's early education center; and the second restriction is that it be named KidsFirst Learning Center. We'd like both of those restrictions be lifted. Those are the only ones that are on the property and they're in favor of the city. Our position is that we have fulfilled our promise to the city and we would now ask that you allow us to go forward and refinance the property by lifting these restrictions.

Mr. Jamison – Now, I noticed in your correspondence from your attorney that the new lender would not agree to a subordination agreement. If you remember, we agreed to that some years ago where we passed a resolution agreeing to allow that refinancing to take place at that time; and you entered into a subordination agreement; so have things changed on that level because we've done that once before for you?

Mr. Boyer – Yes, they have changed sir. We have a new lender with a new set of parameters and new requirements. This lender...we would like to stay with the old lender but the old lender wanted more of our business than we were able to give them. At least that was what they explained to me- why they didn't want to keep this loan. We have a new lender, we have all the loan documents signed and ready to file but for this restrictive covenant. We think the city...well, I'll let my attorney speak to the legalities, but we think the city is well protected with the zoning code that they have. We've done our job and we've honored our commitment.

Mr. Jamison – I have nothing further Mr. Chairman.

MISCELLANEOUS BUSINESS (cont'd):

Mr. Bryon – The one thing that I would add is that I put a case and some correspondence to Mr. Jamison regarding another community that required deed restrictions. Looking at your zoning code, you don't have a requirement in the code that there be these deed restrictions on the property. In that other case, which is factually distinguishable on a number of levels, but in that other case there was a determination that the requirement of the zoning restrictions was not lawful. If you think about it this way, you've got your zoning code that is a regulatory activity of the property. That's the government telling us as property owners what we can do with our property. On the other hand, you have this ownership interest; and most of the time municipalities don't own the property that they're regulating. I think it crosses a line here and we're just asking please, waive the deed restrictions because it's causing problems with the lender. The lender will not loan with these restrictions in place. That's our plea today, thank you.

Mr. Schonhut – I guess one questions and one comment. Do you have any documentation with you from the lender specifically showing their desire to have that lifted?

Mr. Bryon – I'm not handling the loan sir, so no I don't.

Mr. Schonhut – Mr. Boyer, do you?

Mr. Boyer – I don't have it with me, but I could (unintelligible).

Mr. Schonhut – Okay, then I guess the only comment that I would have is giving that the way the rezoning went about in the first place, it would probably be cognizant to have meetings with residents to get their input on it as opposed to not doing that giving that it was sold to them in a certain way and they voted on it in a certain way. I definitely think it would be appropriate, at some point, to schedule something in that regard to get resident feedback as well; to hear what they have to say about it, given that they were the ones that put this through of how this rezoning application was specifically.

Mr. Jamison – And that makes sense, that was one of the reasons why we did this out on the open floor of council so that there was an open discussion. Certainly if it's council's desire, at some point to set a public hearing let's say, yes, that's fine. Obviously, more transparency in terms of what we're trying to do. That's what we're trying to do as well tonight.

Mr. DeMio – Okay, is there any other questions or answers?

Mr. Bryon – We're finished, thank you.

Mr. DeMio – Thank you so much for your time.

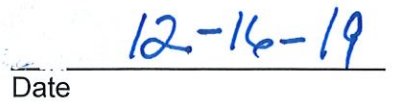
Mr. Carbone made a motion to adjourn into executive session for the purpose of discussing personnel matters. It was seconded by Mr. Schonhut to adjourn from open session into executive session [Article XI, Section 9, City Charter]. All members present voted aye and the motion carried. Council adjourned into executive session at 9:08 p.m. The executive session concluded at 10:53 p.m. and reconvened into open session.

ADJOURNMENT:

There being no further business to come before this Council, President DeMio adjourned the meeting at 10:53 p.m.



Aimee Pientka, MMC
Clerk of Council


Date