

City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
www.strongsville.org

August 31, 2023

City Council

James A. Kaminski
Ward 1

Annmarie P. Roff
Ward 2

Thomas M. Clark
Ward 3

Gordon C. Short
Ward 4

Joseph C. DeMio
At-Large

James E. Carbone
At-Large

Kelly A. Kosek
At-Large

Aimee Pientka, MMC
Clerk of Council

MEETING NOTICE

City Council has scheduled the following meetings for **Tuesday, September 5, 2023**, 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 7:30 p.m. All committees listed will meet immediately following the previous committee:

7:30 P.M.

Planning, Zoning & Engineering Committee will meet to discuss Ordinance Nos. 2022-152, 2023-071, 2023-099, 2023-116, 2023-130 and Resolution No. 2023-117.

Public Safety & Health Committee will meet to discuss Ordinance Nos. 2023-118, 2023-119 and 2023-120.

Building & Utilities Committee will meet to discuss Ordinance No. 2023-121.

Public Service & Conservation Committee will meet to discuss Ordinance No. 2023-122.

Finance Committee will meet to discuss Resolution Nos. 2023-123 and 2023-124.

Recreation & Community Services Committee will meet to discuss Resolution Nos. 2023-125, 2023-126, 2023-127 and 2023-128.

Committee of the Whole will meet to discuss Ordinance No. 2023-129.

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
TUESDAY, SEPTEMBER 5, 2023 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:
 - *Regular Council Meeting – July 17, 2023*
 - *Special Council Meeting – July 25, 2023*
6. PUBLIC HEARING:
 - Ordinance No. 2023-099 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 REAL ESTATE LOCATED AT 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-03-23. Favorable recommendation by the Planning Commission 07-06-23. Second reading 07-17-23. Public hearing 09-05-23.*
7. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
8. REPORTS OF COUNCIL COMMITTEE:
 - SCHOOL BOARD – Clark
 - BUILDING & UTILITIES – Clark
 - SOUTHWEST GENERAL HEALTH SYSTEM – Short
 - ECONOMIC DEVELOPMENT – Short
 - PUBLIC SERVICE AND CONSERVATION – DeMio
 - FINANCE – Kosek
 - PLANNING, ZONING AND ENGINEERING – Kaminski
 - PUBLIC SAFETY AND HEALTH – Kaminski
 - RECREATION AND COMMUNITY SERVICES – Roff
 - COMMUNICATIONS AND TECHNOLOGY – Carbone
 - COMMITTEE-OF-THE-WHOLE – Carbone

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

- MAYOR PERCIAK:
- FINANCE DEPARTMENT:
- LAW DEPARTMENT:

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2022-152 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 REAL ESTATE LOCATED AT 21930 ROYALTON ROAD, IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION (PPN 392-14-006), AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 10-17-22. Unfavorable recommendation by the Planning Commission 11-17-22. Second reading 11-21-22. Public hearing set for 1-3-23.*
- Ordinance No. 2023-071 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 VACANT PROPERTY LOCATED ON MARKS ROAD, IN THE CITY OF STRONGSVILLE, FROM GI-A (GENERAL INDUSTRIAL-A) CLASSIFICATION TO RT-C (TOWNHOUSE-CLUSTER) CLASSIFICATION (PORTION OF PPN 394-07-001), AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 05-15-23. Favorable recommendation by the Planning Commission 05-25-23. Second reading 6-05-23. Public Hearing 7-17-23.*
- Ordinance No. 2023-099 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 REAL ESTATE LOCATED AT 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 07-03-23. Favorable recommendation by the Planning Commission 07-06-23. Second reading 07-06-23. Public hearing 09-05-23.*
- Ordinance No. 2023-116 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR STORM SEWER SYSTEM PURPOSES FROM JOSEPH Z PROPERTIES LLC, AND DECLARING AN EMERGENCY.

- Resolution No. 2023-117 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF STRONGSVILLE ON BEHALF OF THE STATE OF OHIO AS THE BORROWER TO REIMBURSE ITS SANITARY SEWER FUND FOR THE ALBION ROAD AND WEBSTER ROAD SANITARY SEWER PROJECT (OPWC PROJECT NO. CA16Z) WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-118 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING CHAPTER 1601 FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ENACT A NEW SECTION 1601.28 CONCERNING OPEN BURNING; AMENDING EXISTING SECTIONS 1601.11, 1601.15, 1601.20, 1601.25 AND 1601.99(a), AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-119 by Mayor Perciak and All Members of Council. AN ORDINANCE RATIFYING AND APPROVING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE OHIO ATTORNEY GENERAL'S OFFICE IN CONNECTION WITH THEIR LAW ENFORCEMENT DIVERSION PROGRAM FOR FISCAL YEAR 2024 RELATING TO THE OPIOID EPIDEMIC; AUTHORIZING ACCEPTANCE OF FUNDS, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-120 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE DISPOSAL OF VARIOUS ITEMS OF EQUIPMENT AND FURNITURE UTILIZED BY THE FIRE DEPARTMENT, AND NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.
- Ordinance No. 2023-121 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 1476 OF TITLE SIX OF PART FOURTEEN OF THE BUILDING AND HOUSING CODE OF THE CITY'S CODIFIED ORDINANCES CONCERNING SOLAR ENERGY FACILITIES, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-122 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE OF OHIO ISSUE 1 FUNDING FOR THE WASTEWATER TREATMENT PLANTS B & C REHABILITATION PROJECT IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Resolution No. 2023-123 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.
- Resolution No. 2023-124 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

- Resolution No. 2023-125 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM CITY OF STRONGSVILLE COUNCILMAN, JOSEPH C. DeMIO, AND HIS WIFE, MARIE DeMIO, TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.
- Resolution No. 2023-126 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE KIWANIS CLUB OF STRONGSVILLE TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.
- Resolution No. 2023-127 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM R.A. KALFAS CONSTRUCTION, INC., TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.
- Resolution No. 2023-128 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM GORDON GLISSMAN OF COUNTRYSIDE, INC. LANDSCAPE CONTRACTORS, TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.
- Ordinance No. 2023-129 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR CERTAIN PROPERTY LOCATED ON ROYALTON ROAD, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-130 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PROSPECT ROAD STORM SEWER IMPROVEMENTS PROJECT FROM ALBION ROAD TO FAIR ROAD, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 152

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 REAL ESTATE LOCATED AT 21930 ROYALTON ROAD, IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION (PPN 392-14-006), AND DECLARING AN EMERGENCY.

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

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 21930 Royalton Road from GI (General Industrial) classification to R1-75 (One Family 75) classification (PPN 392-14-006), which property is more fully described in Exhibit "A" and as depicted in Exhibit "B," attached hereto and incorporated herein as if fully rewritten.

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

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to provide for the orderly development of lots and lands within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: October 17, 2022

Referred to Planning Commission

Second reading: November 21, 2022

October 18, 2022
Unfavorable recommendation
by Planning Commission
November 17, 2022.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2022 - 152
Page 2

Third reading: January 3, 2023
Public Hearing: January 3, 2023

Approved: _____

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

Ord. No. 2022-152 Amended: _____
1st Rdg. 10/17/22 Ref: PC/P&E
2nd Rdg. 11/21/22 Ref: PEE
3rd Rdg. 1/03/23 Ref: PEE

Public Hrg. 1/3/23 Ref: _____
Adopted: _____ Defeated: _____

LEGAL DESCRIPTION

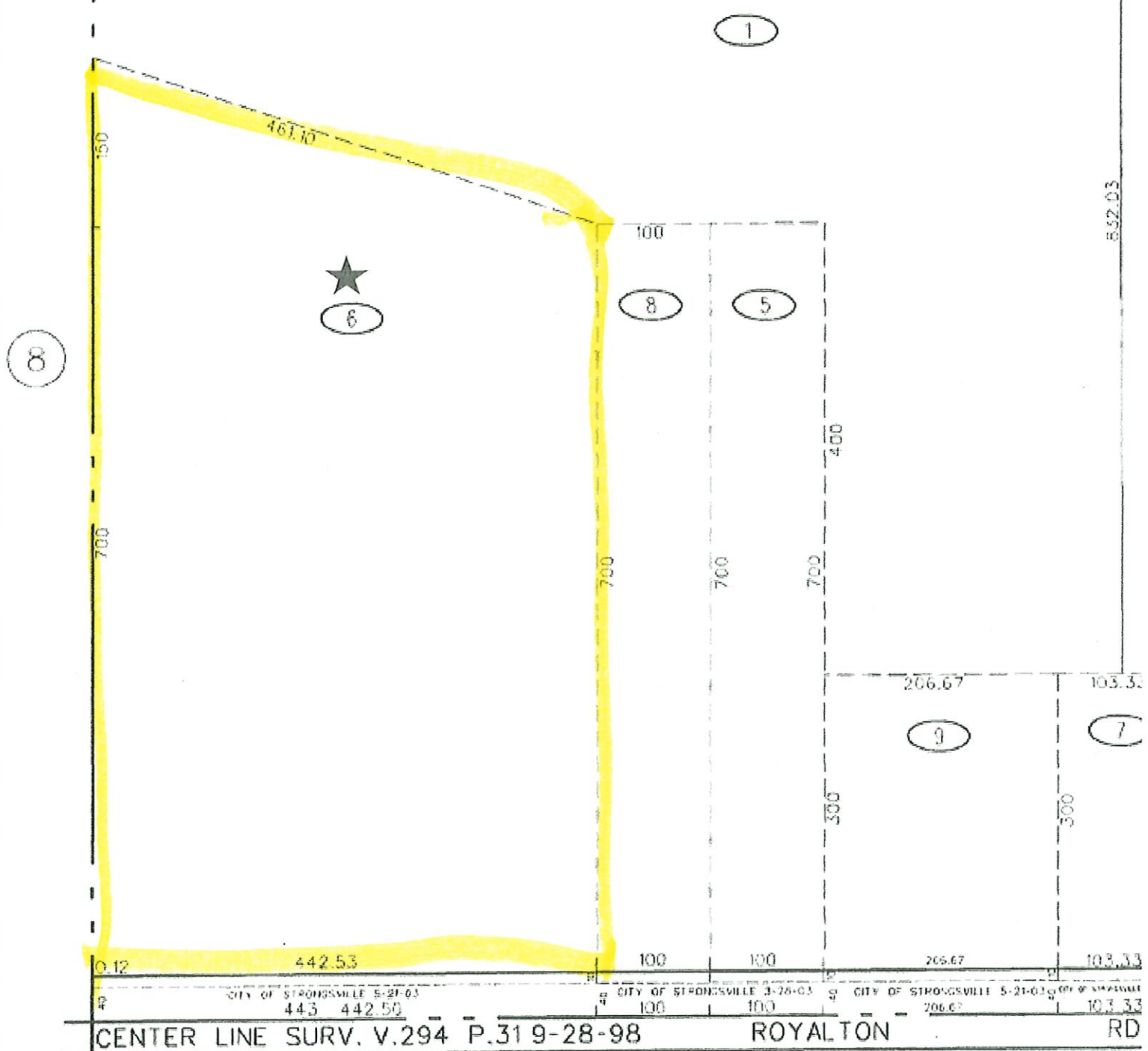
Situated in the City of Strongsville, County of Cuyahoga and State of Ohio:

And known as being part of Original Strongsville Township Lot No. 86, bounded and described as follows: Beginning on the center line of Royalton Road, 60 feet wide, at the Southeasterly corner of land conveyed to Edward L. Anderson and Mary G. Anderson by deed dated September 22, 1951 and recorded in Volume 7407, Page 478 of Cuyahoga County Records; thence Westerly along the center line of Royalton Road, about 443.90 feet to the Southwesterly corner of land so conveyed to Edward L. Anderson and Mary G. Anderson; thence Northerly along Westerly line of land conveyed to Edward L. Anderson as aforesaid, and by deed dated April 28, 1953 and recorded in Volume 13191, Page 445 of Cuyahoga County Records, about 850 feet to the most Northerly corner of land so conveyed to Edward L. Anderson; thence Southeasterly along the Northeasterly line of said land 461.10 feet to the Northeasterly corner of land conveyed to Edward L. and Mary G. Anderson as aforesaid; thence Southerly along the Easterly line of said land 700 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No.: 392-14-006

Commonly known as: 21930 Royalton Road, Strongsville, Ohio 44149

EXHIBIT A



CENTER LINE SURV. V.294 P.31 9-28-98 ROYALTON RD

EXHIBIT B

PETITION FOR ZONING CHANGE

Ordinance Number: 2022-152

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

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

Such change is necessary for the preservation and enjoyment of a substantial property right because: TO SELL AS RESIDENTIAL

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

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

1. _____
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: RESIDENTIAL

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

Name: Linda Accorino

Address: 15767 Bowfin Blvd Brook Park, Ohio 44142

Telephone Number: 216-702-7738

Linda Accorino

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 29 day of August, 2022.



MICHELLE HAMPTON
Notary Public
State of Ohio
My Comm. Expires
July 1, 2027

MAH
Notary Public

My commission expires: 7/1/27

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2022-152

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

Address of Property: 21930 ROYALTON RD

Permanent Parcel No.: 392-14-000

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Future Prospect Road

Number and type of buildings which now occupy property (if any): 1- House 1- Garage 1- Pavilion

Acreage: 7.57

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): None

Said deed restrictions (will) (have) expire(d) on: _____

Said property is presently under lease or otherwise encumbered as follows: Reverse Mortgage

Owner(s)	Percent of Ownership:
1. <u>Linda Ackerson</u>	<u>50</u> %
2. <u>JAMES BASKIN</u>	<u>50</u> %
3. _____	_____ %

[Signature]

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 21 day of August, 2022.

[Signature]
Notary Public




MICHELLE HAMPTON
Notary Public
State of Ohio
My Comm. Expires
July 1, 2027

My commission expires 7/1/27

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.



CUYAHOGA COUNTY FISCAL OFFICER
 392-14-006 *Handwritten Signature* 5/12/2022 4
 B-05122022-25
 ACIERNO, LINDA JEAN & ERSK Tax Dist. 3340
 Affidavit LUC: 5100 EX: S
 Sale Amt: \$ 0.00 LAND: 146,300
 Conv. Fee: \$ 0.00 BLDG: 77,600
 PUBLIC TOTAL: 223,900



* 1 0 8 6 7 7 2 *

CUYAHOGA COUNTY
 OFFICE OF FISCAL OFFICERS - 5
 DEAF 5/12/2022 4:46:43 PM
202205120730

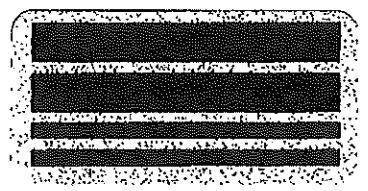
STATE OF OHIO

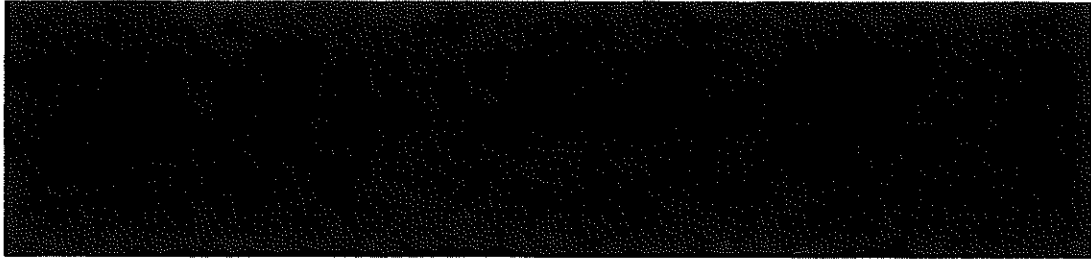
**AFFIDAVIT OF
 CONFIRMATION / TRANSFER
 ON DEATH BENEFICIARY
 (R.C. 5302.22)**

COUNTY OF CUYAHOGA

Linda Jean Acierno and James Russell Erskine, being first duly sworn, deposes and says as follows:

- 1) That **Alma Jean Erskine** was the fee simple owner of property under a duly recorded transfer on death deed. The original Transfer on Death Deed is recorded in the records of the Cuyahoga County Recorder in Instrument Number. 200206140403.
- 2) That **Linda Jean Acierno**, whose address is **15767 Bowfin Blvd., Brookpark Ohio 44122**, is a transfer on death beneficiary.
- 3) That **James Russell Erskine**, whose address is **15767 Bowfin Blvd., Brookpark Ohio 44122**, is a transfer on death beneficiary.
- 4) That the property is known as **21930 Royalton Road, Strongsville, Ohio 44149**, Cuyahoga County, State of Ohio and also known as Permanent Parcel Number 392-14-006 on the records of the County Auditor. A full legal description is attached hereto.
- 5) That **Alma Jean Erskine** died on or about March 3, 2022 and a death certificate has been issued. A COPY OF THE DEATH CERTIFICATE IS ATTACHED HERETO.





6) That by virtue of the death of Alma Jean Erskine, Linda Jean Acierno and James Russell Erskine are the fee simple owners of the above described property and requests that this fact be reflected on the land and tax records of the county.

Linda Acierno
Linda Jean Acierno

James Erskine
James Russell Erskine

SWORN TO BEFORE ME, and subscribed in my presence this 30th
Day of March, 2022

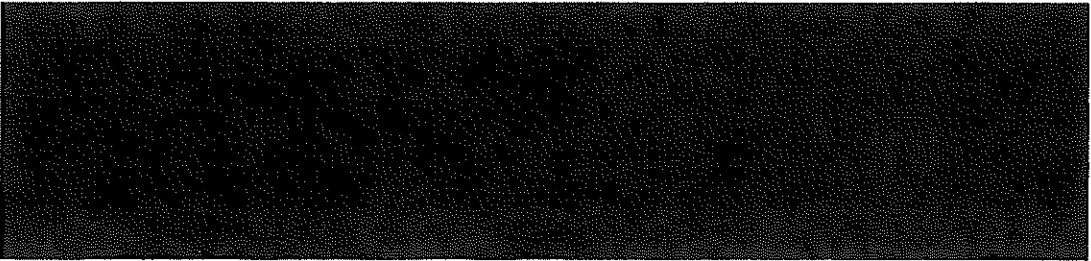
[Signature]

NOTARY PUBLIC

PREPARED BY: Scott W. Paris, of Paris Law, Center Ridge Road, North
Ridgeville, OH 44039.



SCOTT W. PARIS
Center Ridge Road, North
NOTARY PUBLIC
STATE OF OHIO
My Comm. Has No
Expiration Date
Section 147.03 R. C.



CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Lori Daley, Assistant City Engineer
FROM: Aimee Pientka, Clerk of Council
DATE: September 9, 2022
SUBJECT: Rezoning Application
Owner: Linda Acierno & James Erskine
PPN: 392-14-006
Address: 21930 Royalton Road
From: General Industrial (GI) to Residential

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

Cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Brill, Planning Commission Secretary

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Brill, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: October 5, 2022

Re: Rezoning Application
PPN 392-14-006
GI to R1-75

Neal,

The attached legal description and exhibit included in the Clerk of Council's September 9, 2022 memo accurately depict the parcel to be rezoned.

Per the Clerk's October 4, 2022 e-mail, the applicant is requesting the residential designation to be R1-75.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Aimee Pientka, Clerk of Council
DATE: October 18, 2022
SUBJECT: Referral from Council: Ordinance No. 2022-152.

At its regular meeting of October 17, 2022, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2022-152 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 REAL ESTATE LOCATED AT 21930 ROYALTON ROAD, IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION (PPN 392-14-006), AND DECLARING AN EMERGENCY.

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

AKP
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: November 18, 2022

Please be advised that at its meeting of November 17, 2022, the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

ORDINANCE NO. 2022-152

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to Change the Zoning Classification of Certain Real Estate Located at 21930 Royalton Road, in the City of Strongsville from GI (General Industrial) Classification to R1-75 (One Family 75) Classification (PPN 392-14-006).

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 071

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 VACANT PROPERTY LOCATED ON MARKS ROAD, IN THE CITY OF STRONGSVILLE, FROM GI-A (GENERAL INDUSTRIAL-A) CLASSIFICATION TO RT-C (TOWNHOUSE-CLUSTER) CLASSIFICATION (PORTION OF PPN 394-07-001), AND DECLARING AN EMERGENCY.

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

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain vacant property located on Marks Road, in the City of Strongsville, from GI-A (General Industrial-A) classification to RT-C (Townhouse-Cluster) classification (portion of PPN 394-07-001), which property is more fully described in Exhibit A, and depicted in Exhibit B, all attached hereto and incorporated herein by reference.

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

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees; that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and further to afford the applicant an opportunity to submit plans to facilitate economic development within the City, and to assure proper development of all lots and land within the City. 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.

First reading: May 15, 2023

Second reading: June 5, 2023

Third reading: _____

Public Hearing: July 17, 2023

Referred to Planning Commission

May 16, 2023

Approved: Favorable Recommendation
by Planning Commission
May 25, 2023

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 071
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

Ord. No. 2023-071 Amended: _____
1st Rdg. 05-15-23 Ref: PC/PCE
2nd Rdg. 06-05-23 Ref: P2E
3rd Rdg. _____ Ref: _____

Public Hrg. 07-17-23 Ref: _____
Adopted: _____ Defeated: _____

Boundary Description for
Marks Road Property, LTD.
Rezoning Parcel Area
15.3865 Acres

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Original Strongsville Township Lot No. 99, further known as being part of a parcel of land conveyed to Marks Road Property, LTD. by deed dated January 23, 2006 and recorded in A.F.N. 200601230302 of the Cuyahoga County Recorder's Records and is bounded and described as follows: Beginning at a 3/4 inch iron pin in a monument box assembly found at the centerline intersection of Emmons Road, 60 feet in width and Marks Road, 40 feet in width and is the PRINCIPAL PLACE OF BEGINNING of the premises herein to be described, said point also being the southwesterly corner of a parcel of land conveyed to Walter C. and Judith G. Lappin by deed dated May 25, 2005 and recorded in A.F.N. 200505250349 of the Cuyahoga County Recorder's Records;

thence North 89°10'36" East, with the southerly line of land so conveyed to Walter C. and Judith G. Lappin, 455.90 feet to a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at the southeasterly corner thereof, having passed over a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at 20.00 feet on the easterly right of way line of Marks Road;

thence North 00°00'17" West, with the easterly line of land so conveyed to Walter C. and Judith G. Lappin, 201.49 feet to a 1/2 inch iron pin found on a Northerly line of said Lot No. 99 and on the southerly line of a parcel of land conveyed to Treeview Cleveland LLC by deed dated March 18, 2022 and recorded in A.F.N. 202203180267 of the Cuyahoga County Recorder's Records;

thence North 89°10'36" East, with said Northerly line of Lot No. 99 and the southerly line of land so conveyed to Treeview Cleveland LLC, 567.91 feet to a point on the northwesterly line of the B&O Railroad, formerly known as the Cleveland, Lorain and Wheeling Railway Co., being witnessed by a 3/4 inch iron pin found 0.12 feet east therefrom;

thence along the northwesterly lines of the B&O Railroad for the next 5 courses:

1. South 22°31'05" West, 129.72 feet to a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at an angle point;



2. North 67°28'55" West, 17.00 feet to a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at an angle point;
3. South 22°31'05" West, 250.00 feet to a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at an angle point;
4. South 67°28'55" East, 17.00 feet to a 5/8 inch by 30 inch iron pin with cap "Davey Resource Group" set at an angle point
5. South 22°31'05" West, 619.74 feet to a 3/4 inch iron pipe found at the northeasterly corner of a parcel of land conveyed to Douglas M. and Linda Harley by deed dated July 14, 2022 and recorded in A.F.N. 202207140367 of the Cuyahoga County Recorder's Records;

thence South 88°35'48" West, with the northerly line of land so conveyed to Douglas M. and Linda Harley, 642.21 feet to a point on the centerline of Marks Road and having passed a 3/4 inch iron pin at 612.21 feet (found south 0.15' of line) on an easterly right of way line of said Marks Road;

thence North 00°05'13" East, with the centerline of Marks Road, 722.80 feet to the Principal Place of Beginning, containing 670,238 square feet or 15.3865 acres of land, more or less, according to a survey by Daniel P. Engle, P.S. No. S-8452, for Davey Resource Group in April, 2022. Subject to all highways, easements and covenants of legal record.

Centerline bearing of Marks Road was calculated to be North 00°05'13" East between monuments found, based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.



Rezoning Exhibit

of land owned by
Marks Road Property, LTD.
 Strongsville, Ohio

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Original Strongsville Township Lot No. 99

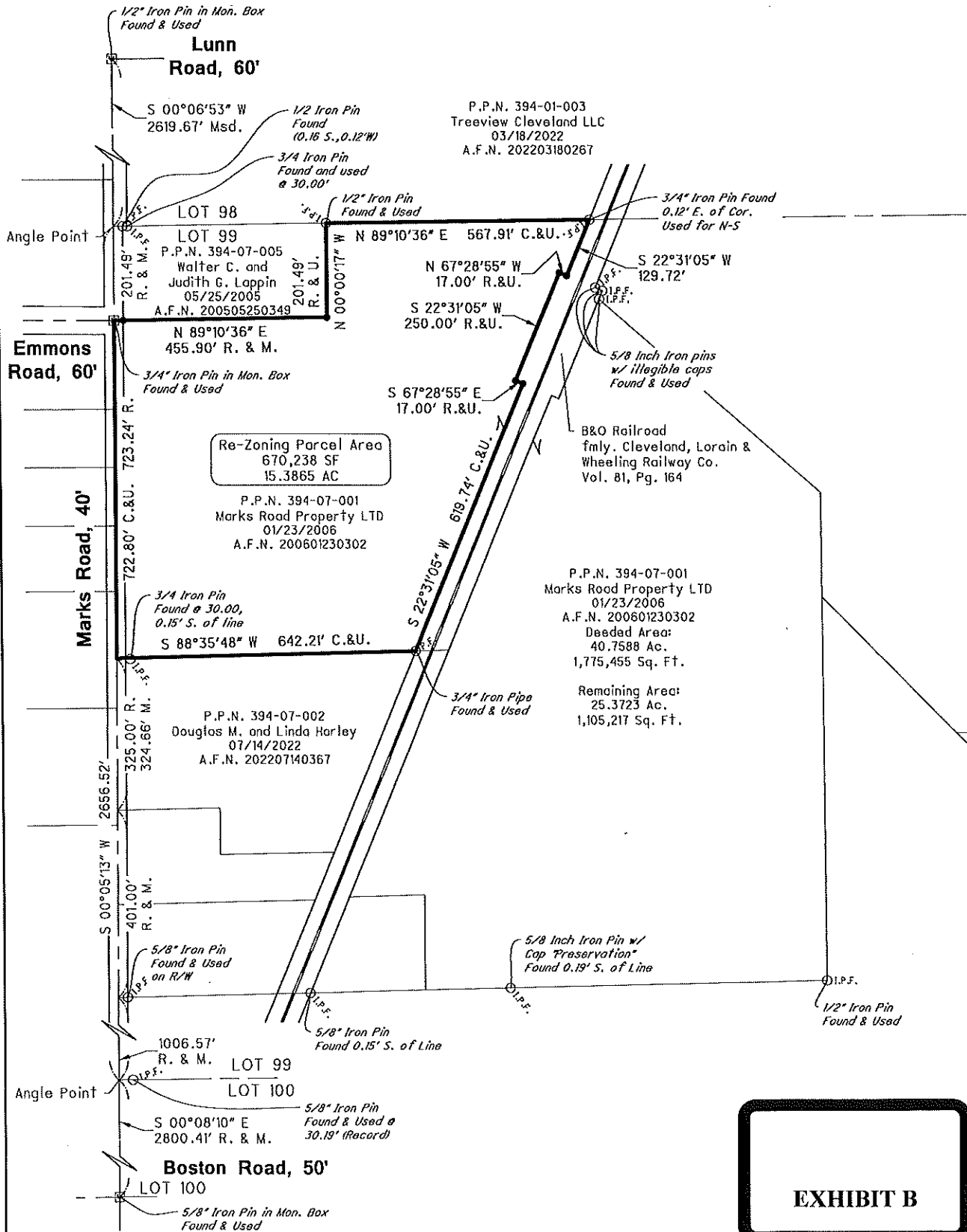


EXHIBIT B

PETITION FOR ZONING CHANGE

Ordinance Number: 2023-071

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

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

Such change is necessary for the preservation and enjoyment of a substantial property right because: **Subject property is currently zoned for General Industrial or Sexual-Oriented Businesses. Seeing as Tractor Trailer truck traffic is not permitted on Marks Road, the property owner is faced with a practical difficulty in marketing the property to Industrial Users. It is impractical to think an Industrial Business could successfully operate on Mark Road without the need for substantial trucking. Additionally, Sexually-Oriented Businesses would be obtrusive and inconsistent with the neighboring residential uses on Marks Road.**

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: **Proposed zoning change will not be detrimental and exhibits proper planning and "step-down" zoning practices. The zoning change to a higher-density, residential use, under common ownership, would act as a buffer between adjacent Industrial & Manufacturer Businesses and lower-density, rural residential zoning district. The current Industrial Use of the property would be far more detrimental to the neighboring residential uses with increased truck traffic, obtrusive lighting, large building structures, etc.**

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

1. Exhibit A: Partial Rezoning (15AC. Only)
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: _____

RT-C RESIDENTIAL TOWNHOME CLUSTER

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

Name: Ben Weirnerman, Granger Property Development, LLC

Address: 2211 Medina Road, Suite 100, Medina, OH 44203

Telephone Number: 330.241.3808 (cell)

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 24 day of April, 2023.



KARNEL FECHKO
Notary Public, State of Ohio
My Commission Expires 12/1/24

Notary Public

My commission expires: 12/1/24

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2023-071

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

Address of Property: Marks Road (Vacant Land) Strongsville, OH 44149

Permanent Parcel No.: A portion of PPN: 394-07-001

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Subject Property is located on the East side of Marks Road; South of Lunn Road, North of Boston Road and West of Existing Railroad Tracks.

Number and type of buildings which now occupy property (if any): Property is Vacant and Used for Agriculture

Acreage: ~15 Acres (PARTIAL REZONING: Land West of Railroad Only)

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): N/A - No known deed restrictions affecting the property

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

Said property is presently under lease or otherwise encumbered as follows: Property is split by existing B&O Railroad; stretching from SW Corner Property to NE Corner of Property

Owner(s)	Percent of Ownership:
1. <u>Marks Road Property Ltd.</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

mclj
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 5th day of May, 2023.

[Signature]
Notary Public

My commission expires has no expiration date

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka, Clerk of Council
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Brill, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: May 4, 2023

Re: Rezoning Application
Marks Road Property, Ltd.
Portion of PPN 394-07-001
From GI-A to RT-C

Neal,

The legal description and exhibit included in the Clerk of Council's May 3, 2023 memo regarding the above referenced application accurately describe the area to be rezoned.

Please feel free to contact me with any questions.

Thank you.

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: May 26, 2023

Please be advised that at its meeting of May 25, 2023, the Strongsville Planning Commission gave Favorable Recommendation to the following;

CITY OF STRONGSVILLE, Lori Daley, Agent

Site plan approval of a new community playground, interactive fountain, pavilion and recreation amenities on ex. baseball fields located at Town Center zoned Public Facilities

ORDINANCE NO. 2023-071:

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 Vacant Property Located on Marks Road, in the City of Strongsville, from GI-A (General Industrial-A) Classification to RT-C (Townhouse-Cluster) Classification (Portion of PPN 394-07-001), and Declaring an Emergency.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Marialena Beach, Council Secretary
DATE: May 16, 2023
SUBJECT: Referral from Council: Ordinance No. 2023-071.

At its regular meeting of May 15, 2023, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2023-071 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 VACANT PROPERTY LOCATED ON MARKS ROAD, IN THE CITY OF STRONGSVILLE, FROM GI-A (GENERAL INDUSTRIAL-A) CLASSIFICATION TO RT-C (TOWNHOUSE-CLUSTER) CLASSIFICATION (PORTION OF PPN 394-07-001), AND DECLARING AN EMERGENCY.

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

MB
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: May 26, 2023

Please be advised that at its meeting of May 25, 2023, the Strongsville Planning Commission gave Favorable Recommendation to the following;

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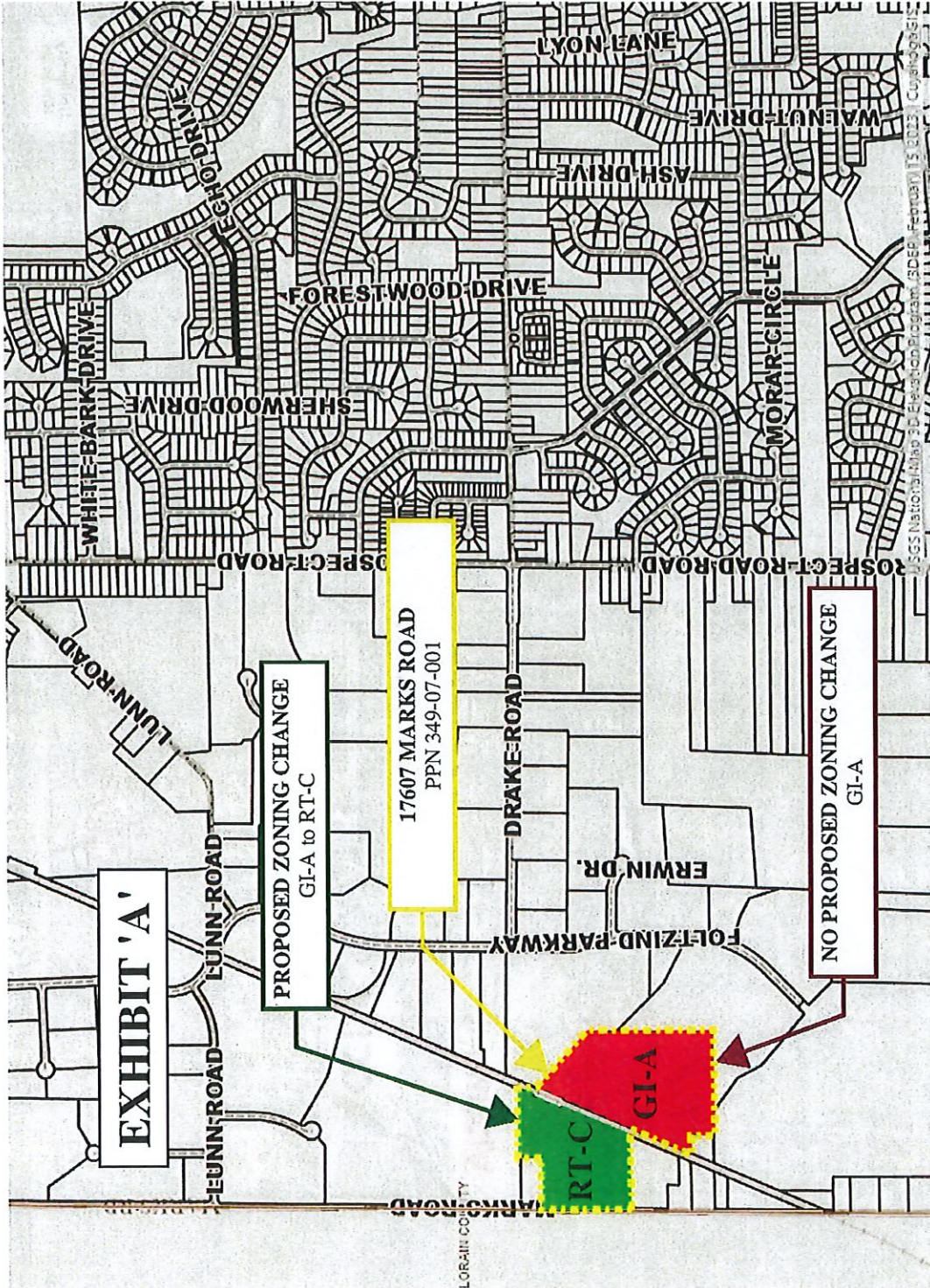
ORDINANCE NO. 2023-071:

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 Vacant Property Located on Marks Road, in the City of Strongsville, from GI-A (General Industrial-A) Classification to RT-C (Townhouse-Cluster) Classification (Portion of PPN 394-07-001), and Declaring an Emergency.



**THE CITY OF
STRONGSVILLE**

PRIDEONE

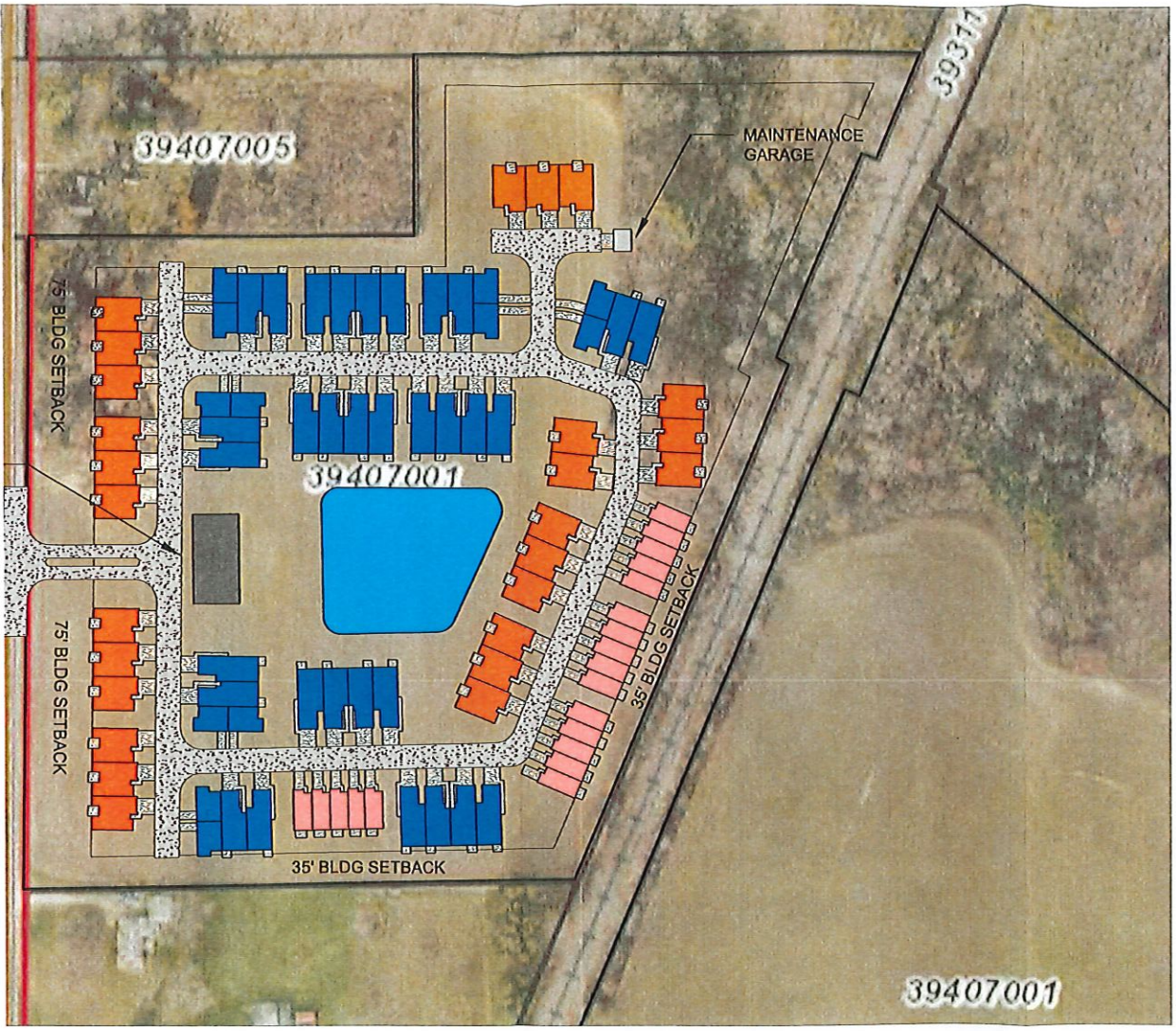




GIANT EAGLE
MARKET
DISTRICT

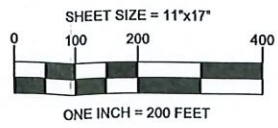


SITE



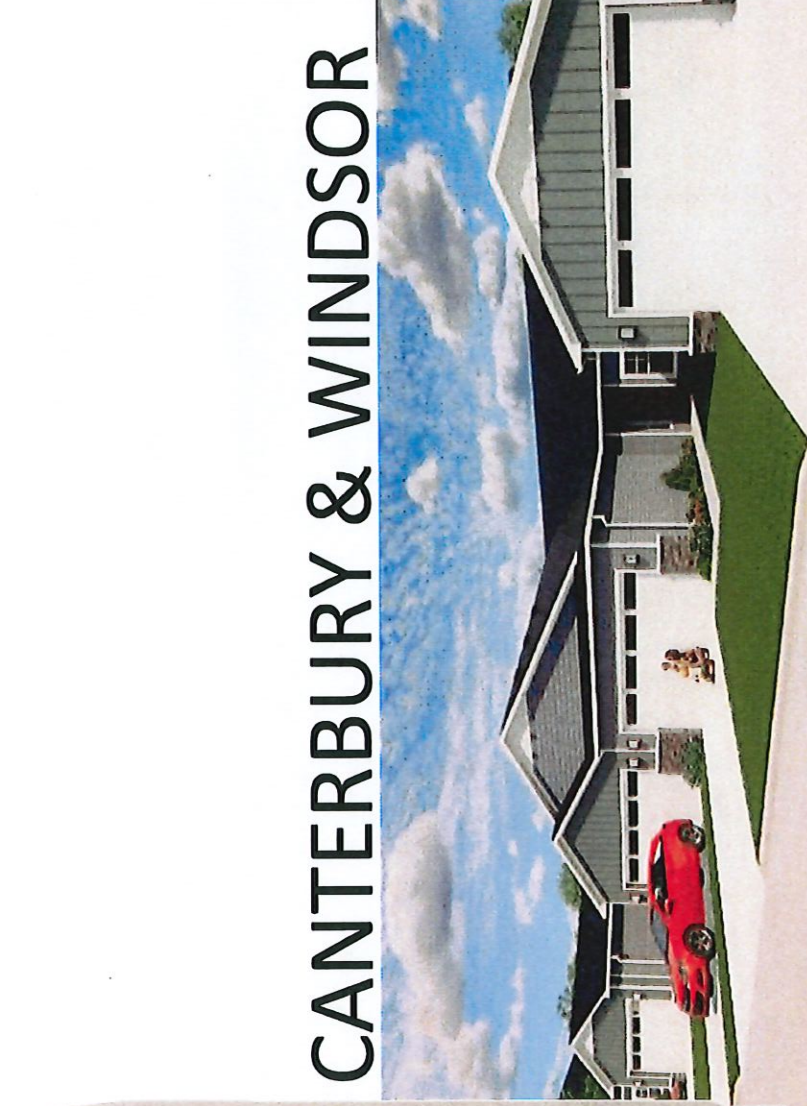
NO.	DATE	DESCRIPTION	REVISIONS

MARKS ROAD
CONCEPT SKETCH
 PRIDE ONE DEVELOPMENT



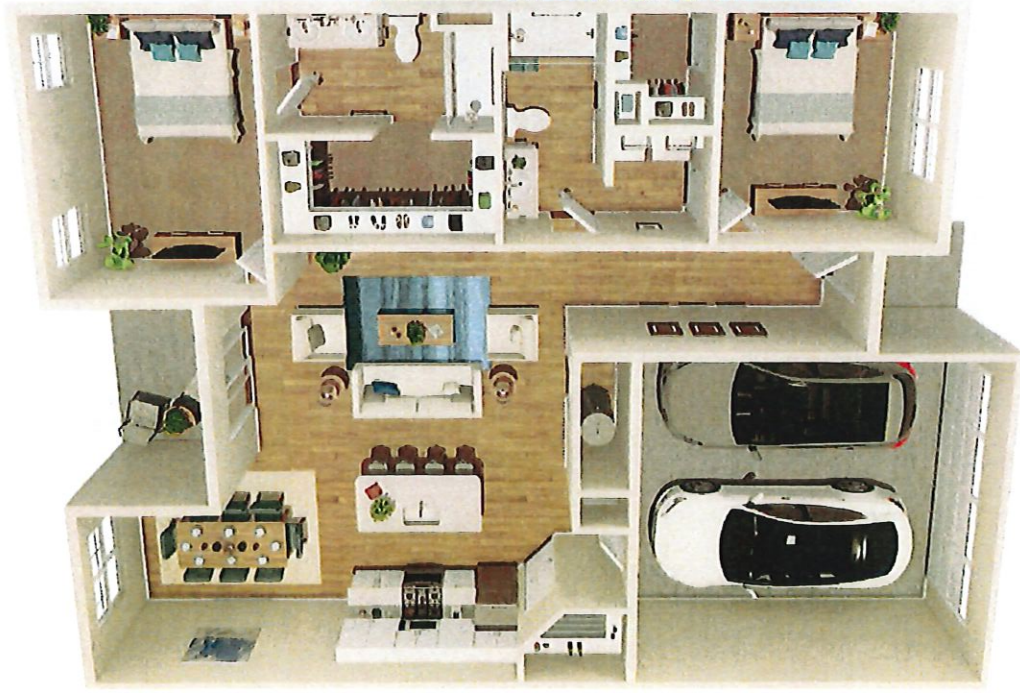
DATE: 9/22
 DRAWN BY: AXM
 SHEET:
1/1

CANTERBURY & WINDSOR



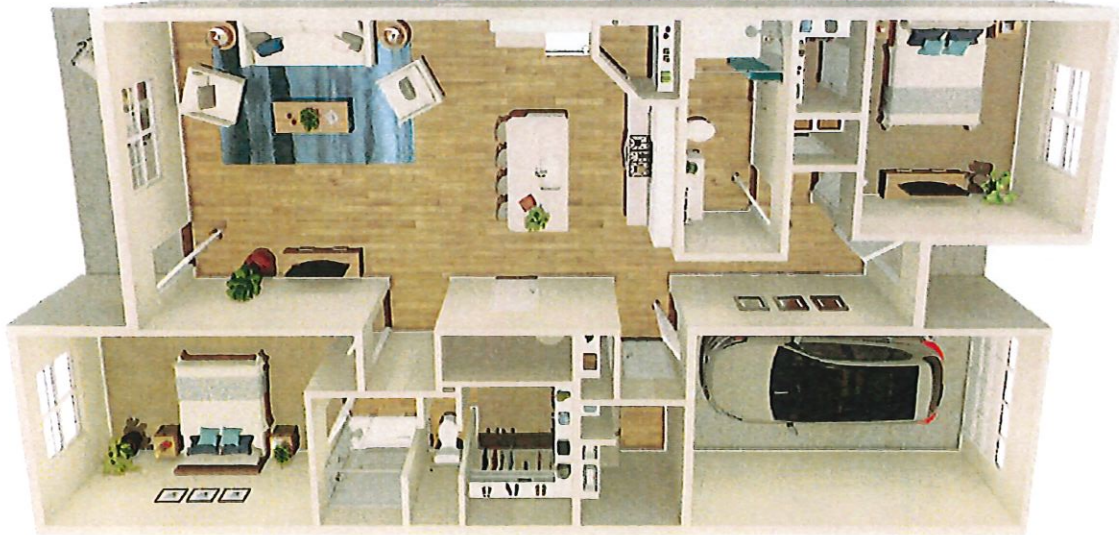
- 1293/1322 SF
- 2 Beds/ 2 Baths
- 2 Car Garage
- Walk-in Closet in Master
- 9' Ceilings
- Covered Patio and Porch
- Mudroom included in Windsor
- Walk-in Pantry

SANIBEL



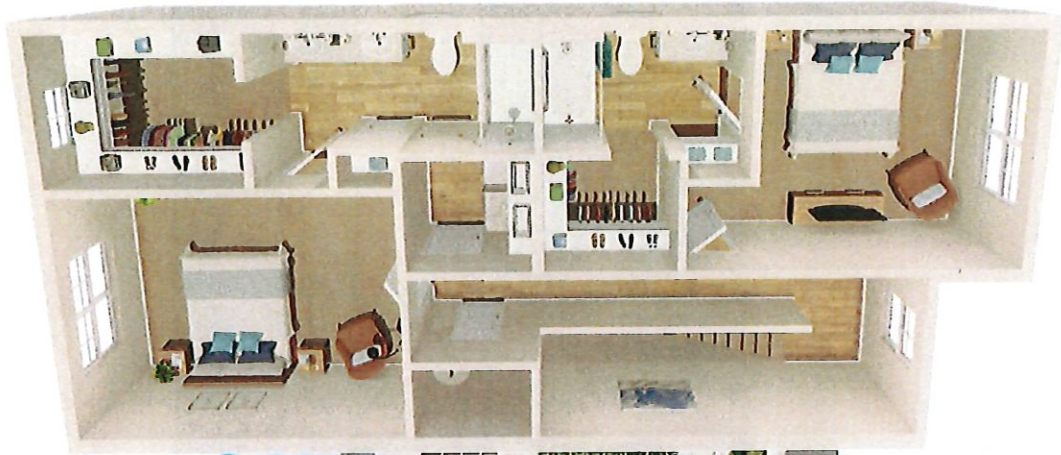
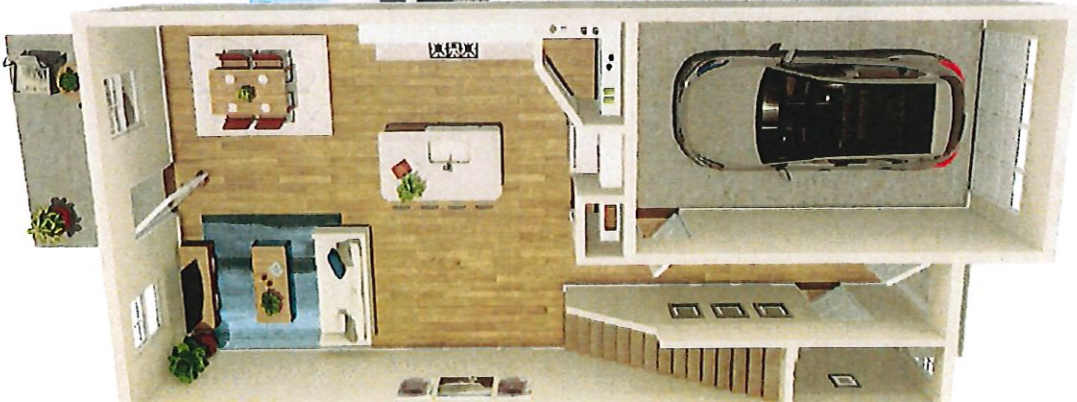
- 1374 SF
- 2 Beds/ 2 Baths
- 2 Car Garage
- Walk-in Closet in Master
- Vaulted Ceilings
- Covered Patio and Porch
- Walk-in Pantry
- Separate Dining Space

MENDOZA



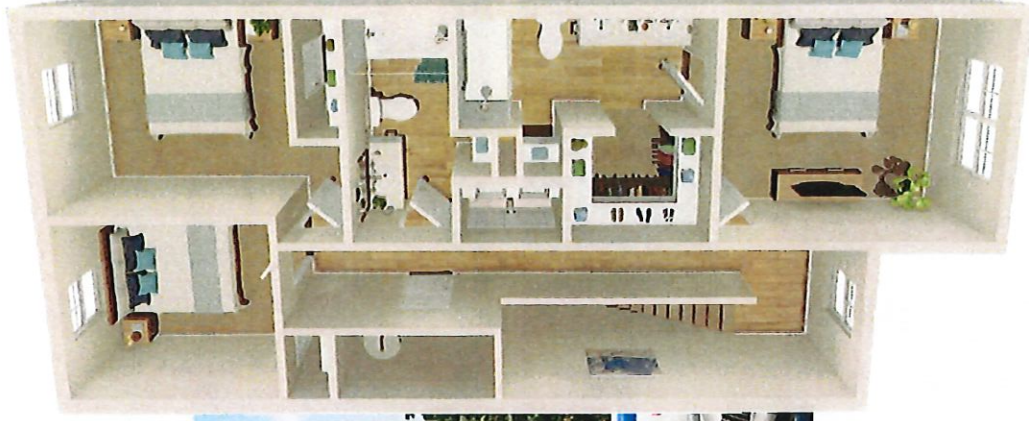
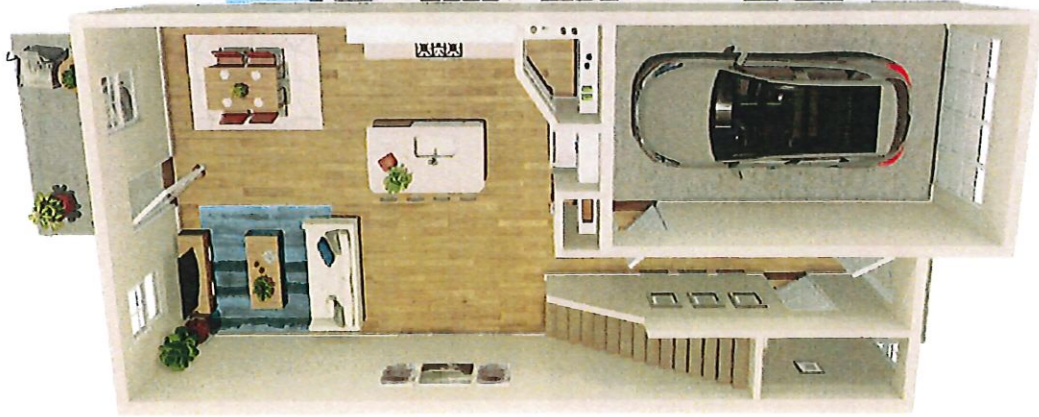
- 1366 SF
- 2 Beds/ 2 Baths
- 1 Car Garage
- Walk-in Closet in Master
- 9' Ceilings
- Covered Patio and Porch
- Walk-in Pantry

HAVANA



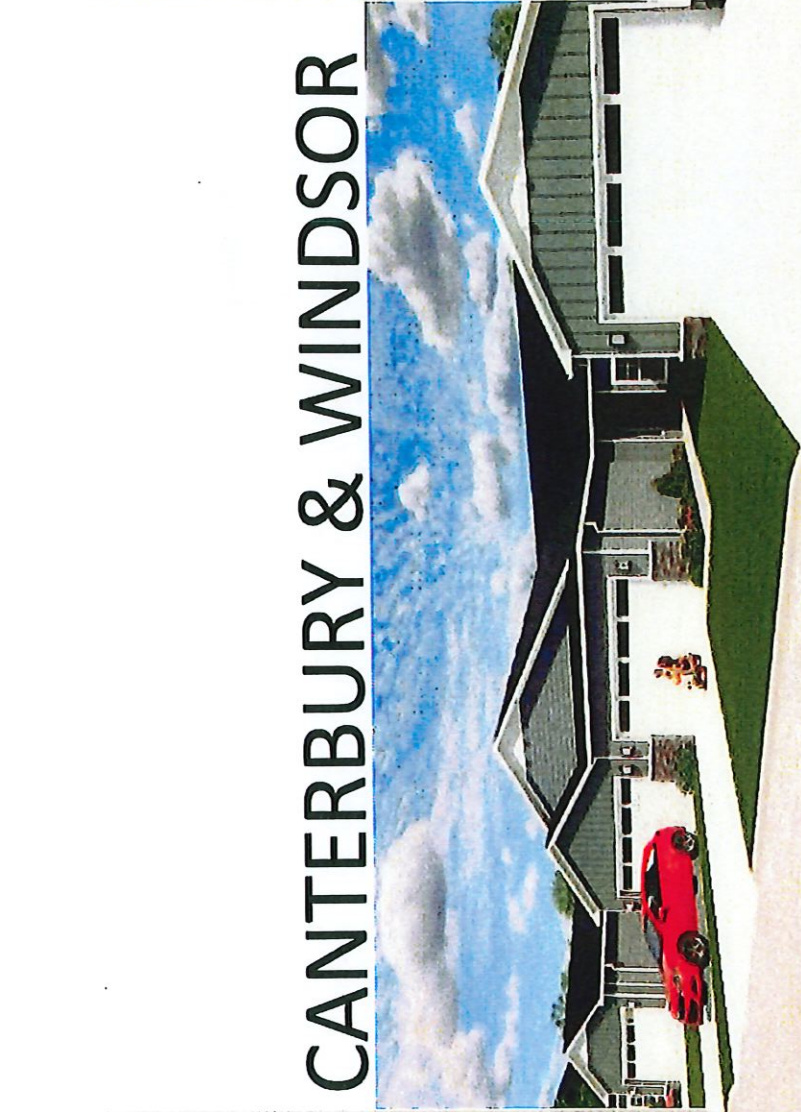
- 1508 SF
- 2 Beds/ 2.5 Baths
- 1 Car Garage
- Large Walk-in Closets
- 9' Ceilings
- Covered Patio and Porch
- Walk-in Pantry

BELIZE

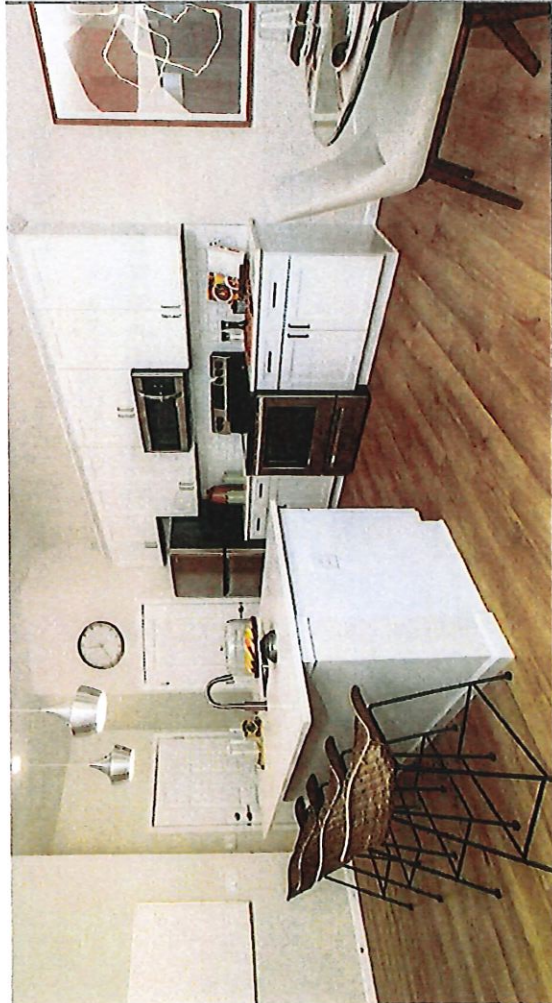


- 1532 SF
- 3 Beds/ 2.5 Baths
- 1 Car Garage
- Walk-in Closet in Master
- 9' Ceilings
- Covered Patio and Porch
- Walk-in Pantry

CANTERBURY & WINDSOR



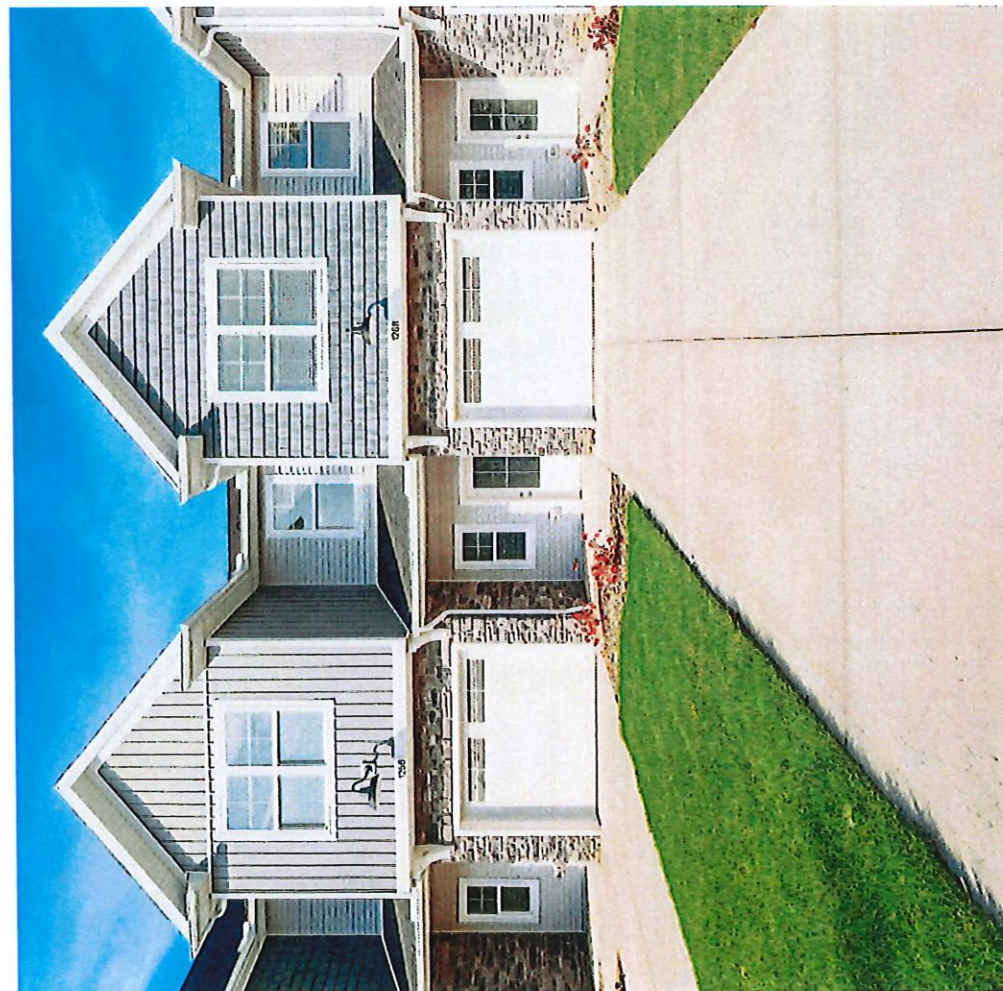
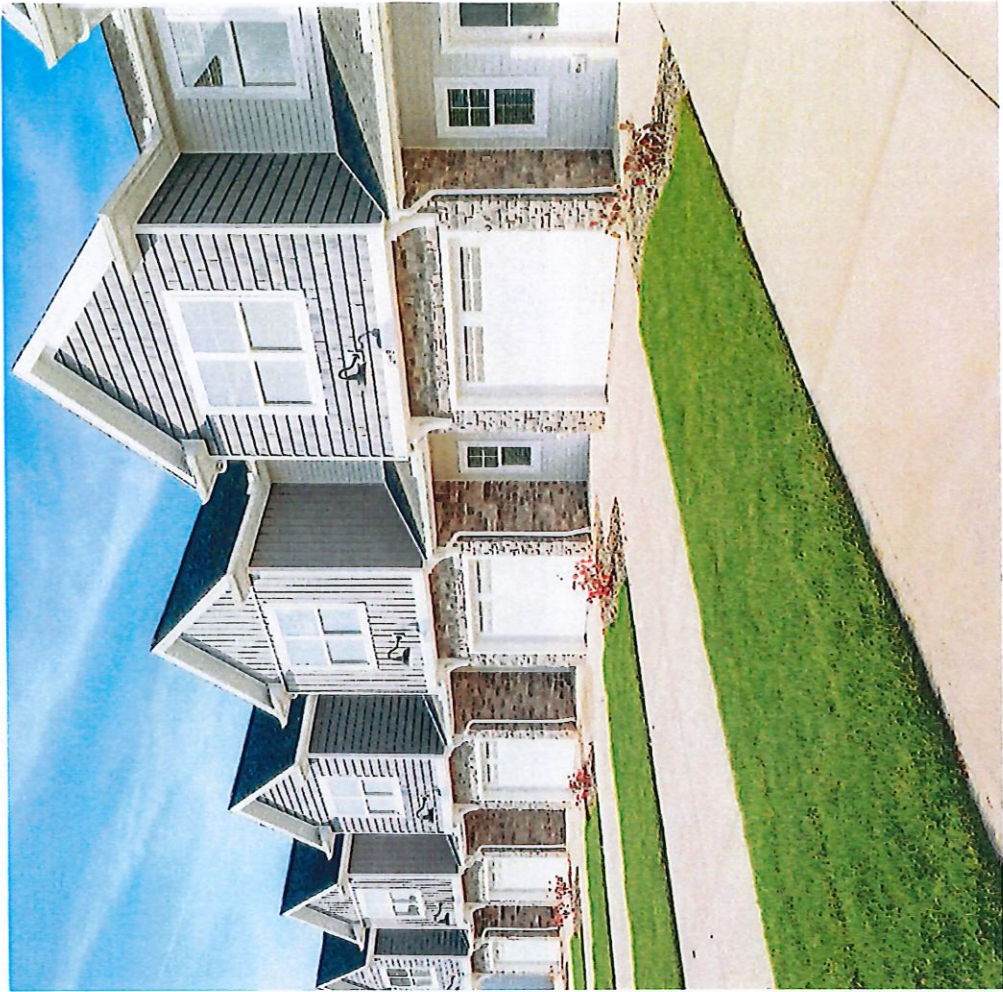
- 1293/1322 SF
- 2 Beds/ 2 Baths
- 2 Car Garage
- Walk-in Closet in Master
- 9' Ceilings
- Covered Patio and Porch
- Mudroom included in Windsor
- Walk-in Pantry



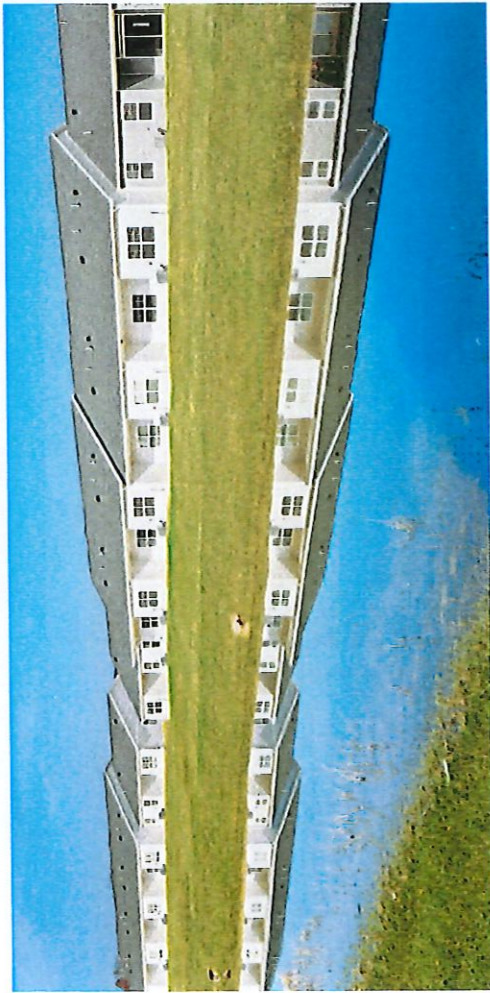
IMAGES FROM CURRENT PROJECTS



IMAGES FROM CURRENT PROJECTS



IMAGES FROM CURRENT PROJECTS



IMAGES FROM CURRENT PROJECTS

PRIDE ONE CONSTRUCTION

Pride One started as a land developer and cluster home community builder of age targeted homes over 20 years ago with construction primarily focused on projects in Northeast Ohio. Pride One Construction quickly became a full service "turnkey" developer: land was identified for a particular end user; financing would be secured then zoning, building plans, utilities, roads, and lots were all developed by the Pride One team.

As the company grew, Pride One quickly increased their focus to commercial development and construction. They constructed over 75 office, retail, hotel, and industrial buildings in Northeast Ohio while building multi-family apartments and "for sale" cluster homes throughout the 1990's and early 2000's. With the advent of the economic downturn, residential development came to a halt, Pride One took this opportunity to exit the "for sale" and land development aspects of the business. They shifted their focus strictly commercial construction consisting of apartments, hotels, conference centers, student housing, assisted living facilities and churches. Pride One has branched outside of Ohio and completed projects in California, Wyoming, Indiana, Michigan, Iowa, South Carolina, North Carolina, and Florida.

Currently Pride One's development team, led by Doug Leohr, has a pipeline of over 2,000 horizontal apartment units planned to start construction within the next 24 months. Pride One serves as both the developer and GC while outsourcing the property management. This has been a key to Pride One's development success and why many other developers are approaching Pride One to partner on horizontal apartment deals. Pride Ones has immense experience in this specific product building over 10,000 units and has established solid trade bases and key supplier relationships.

- 31 years of Business
- Built over **\$1.5 Billion** in construction value consisting of...
 - Over 10,000 apartment homes
 - 1,500 hotel rooms
 - 1,400 assisted living rooms
 - Countless other projects consisting of retail, industrial, office, and self-storage
- Over **\$250 Million** in ranch unit development value currently under construction in multiple states
- **2,000** ranch apartment units in the current Development Pipeline totaling a value of over **\$1 Billion** to be built in 2022-2024

PRIDEONE
CONSTRUCTION

CORE VALUES

- One RELATIONSHIP** - Commitment to positive partnerships
- One TEAM** - Empower and support team members to win
- One OWNER** - Ownership of results through accountability
- One RESULT** - Focus on the goal
- One LIFE** - Do what you love with passion



BUILDING RELATIONSHIPS AND PROJECTS THAT LAST A LIFETIME™



To: The City of Strongsville Zoning Department
From: Pride One Construction
Re: Rezoning Application Supplement
The City of Strongsville Zoning Regulations
Date: April 11th, 2023

This document is intended to serve as a supplement to Pride One Construction's application for a rezoning certificate on behalf of Granger Property Development (or its assignee) ("**Applicant**"). Applicant is seeking a rezoning use permit from the City of Strongsville to permit Applicant to develop, construct, market, lease and operate a 90-unit Cluster Community, on the real property located in the City of Strongsville known as parcel no. 39407001.

Applicant believes there is a strong need for high-end rental housing in the City of Strongsville. The proposed 90-Unit Community will provide the necessary housing for those wanting to downsize, while continuing their residency in the City of Strongsville. Applicant has been working in close consultation with Pride One Construction ("**Pride One**") on the type of clusters which would be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing character of the general vicinity, and that such use will not change the essential character of the area. The proposed Community will require a great deal of focused effort on building and landscaping aesthetics. For this reason, Pride One has continued a long-term partnership with MPG Architects, whose designs and material selections have proven to stand the test of time. Landscaping throughout the community will be lush, with a diverse mix of tree selections, seasonal color plantings and stormwater retention basins with aeration fountains installed for visual appeal. To provide a superior experience for residents, there will be full-time maintenance and leasing staff onsite. Residents will be able to request maintenance assistance for items as miniscule as changing a light bulb. The applicant takes great pride in the fact that their build to rent product allows tenants to live like single-family homeowners by including individual trash service, secluded rear patios and private, two-car garage entries for each dwelling. Pride One has built an excellent reputation as a general contractor with almost 30 years' experience in building high quality projects—including over 10,000 residential units.

The product Applicant intends to build is not the type of community most people have in mind when they think of rentals. Applicant intends to build both single-story and two-story clusters which look and live more similarly to a residential development than a standard rental complex. The design of these clusters, with individual, attached garages for each dwelling unit, are very attractive to empty nesters, young professionals, and seniors looking to age-in-place within the City of Strongsville.

The proposed clusters have been thoughtfully crafted to encompass Fair Housing Act of 1995 (FHA), Americans with Disabilities Act of 1990 (ADA) and American National Standards Institute (ANSI) design elements including, but not limited to:

- Private, Zero-Step (Level) Entries to Each Dwelling Unit
- Accessible routes from each unit to ALL Common Space Areas and Amenities (i.e. Accessible Parking, Sidewalks, Leasing Office, Club House, Recreation Facilities, Mail Kiosk, etc.)
- "Usable" Interior Doors; providing an accessible route into and through the dwelling unit.
- Accessible Light Switches, Electrical Outlets, Thermostats and Environmental Controls
- Reinforced Restroom Walls in Each Dwelling Unit, allowing for the installation of grab bars around toilets, sinks, tubs, and shower stalls upon tenant's request.
- "Usable" Kitchens and Restrooms in Each Dwelling Unit; providing proper maneuvering space between countertops, fixtures, and appliances with equipment controls at appropriate elevations.

This type of Build to Rent Community integrates seamlessly with neighboring residential communities and will not be hazardous or disturbing to existing or future neighboring uses. Newly constructed clusters with a fresh design could potentially add value to properties in the vicinity and to the community. To minimize impact to adjacent property owners, Applicant intends to create natural buffering and screening along shared property lines by adding densely planted trees and shrubs.

The Proposed Use will utilize and extend existing, public water and sanitary facilities through the approval of Northeast Ohio Regional Sewer District ("NEORS") and Cleveland Water. Aside from public utilities and the City of Strongsville Emergency Response Teams (Police, Fire, EMS), the remaining community will be privately serviced and maintained by the Applicant, including roadways. Applicant will be solely responsible for street plowing, road repairs, landscaping maintenance, etc.

The Proposed Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors. The Proposed Use shall provide residential housing units for tenants. All maintenance equipment and supplies shall be properly stored within a locked maintenance garage. Street and building façade lighting will be meticulously designed by MPG Architects, to avoid any light pollution or light spill-over into adjacent parcels. While the tenant's safety is of the utmost concern, Applicant understands that too much lighting within the community can be obtrusive and bothersome to both tenants and neighbors alike.

The clusters which Applicant intends to construct, will have vehicular approaches to the property which will be designed to not interfere with traffic on surrounding streets or roads. Sufficient off-street parking banks will be provided, in addition to each dwelling unit having its own private 2-Car (or 1-Car), an attached garage and 2-Car (or 1-Car) driveway. Applicant proposes one point of ingress and egress to/from the Community which is subject to review by ODOT and Cuyahoga County. If deemed necessary by ODOT, City of Strongsville and/or Cuyahoga County, a traffic study will be performed by a Licensed Engineer.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 099

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 REAL ESTATE LOCATED AT 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 11654 Pearl Road (PPN 392-26-002), in the City of Strongsville, from GB (General Business) classification to R-RS (Restaurant-Recreational Services) classification, which property is more fully described in Exhibit "A" and depicted in Exhibit "B," all attached hereto and incorporated herein by reference.

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

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to provide for the orderly development of lots and lands within the City, to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: July 3, 2023

Referred to Planning Commission

Second reading: July 17, 2023

July 5, 2023
Favorable recommendation by

Third reading: _____

Approved: Planning Commission

Public Hearing: September 5, 2023

July 6, 2023

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 099
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

Ord. No. 2023-099 Amended: _____
1st Rdg. 07-03-23 Ref: _____ PL/PBE
2nd Rdg. 07-17-23 Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg 09-05-23 Ref: _____
Adopted: _____ Defeated: _____

PETITION FOR ZONING CHANGE

Ordinance Number: 2023-099

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

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

Such change is necessary for the preservation and enjoyment of a substantial property right because: We plan to turn the Building into a BiggBy Coffee Shop.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: is NOT surrounded by any Residential Homes.

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

1. _____
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: BiggBy Franchise

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

Name: Hany Potroos

Address: 8446 Hunting Drive, North Royalton OH. 44133

Telephone Number: 216-406-2283

Hany Potroos
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)



Subscribed in my presence this 23 day of June 2023, 20 .

MELINDA KUHN
Notary Public, State of Ohio
My Commission Expires
October 31, 2027
COMMISSION: 2017-RE-682770
Melinda Kuhn
Notary Public
My commission expires: October 31, 2027

Particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2023-099

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

Address of Property: 11654 Pearl Rd. Strongsville, Ohio 44136

Permanent Parcel No.: 39226002

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) on the corner of Progress Rd. and Pearl Rd. Across from the ALFA Romeo dealership.

Number and type of buildings which now occupy property (if any): ONE single Building

Acreage: 0.747

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): Restriction from operating a BANK for 3 years from original purchase date. But, NO RESTRICTIONS NOW.

Said deed restrictions (will) (have) expire(d) on: oct. 11th 2020

Said property is presently under lease or otherwise encumbered as follows: — NA —

Owner(s)	Percent of Ownership:
1. <u>Hany Potroos, member of St. Paul & St. Ethan, LLC</u>	<u>100%</u>
2. _____	_____ %
3. _____	_____ %

Hany Potroos
Signature of Owner(s)

State of Ohio)
County of ~~Cuyahoga~~)

Sworn to and subscribed to in my presence this 23 day of June, 2023.



MELINDA KUHN
Notary Public, State of Ohio
My Commission Expires
October 31, 2027
COMMISSION: 2017-RE-682770

Melinda Kuhn
Notary Public

My commission expires October 31, 2027

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

EXHIBIT A
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio:

And known as being part of Original Strongsville Township Lot No. 54, bounded and described as follows:

Beginning on the center line of Pearl Road, as originally established, at its intersection with the center line of Progress Drive, 60 feet wide;

Thence Northerly along the center line of Pearl Road, 155.87 feet to the Southeasterly corner of the first parcel of land conveyed to Gravely-Ohio Company by Deed dated September 24, 1970 and recorded in Volume 12745, page 79 of Cuyahoga County Records;

Thence Westerly along the first parcel of land so conveyed, and along the Southerly line of the second parcel of land conveyed to Gravely-Ohio Company by the aforesaid deed, and along the Southerly line of land conveyed to Bearco Inc., by Deed dated June 6, 1978 and recorded in Volume 14809, page 451 of Cuyahoga County Records, 312.27 feet to the Easterly line of land conveyed to Terrell Realty, Inc. by Deed dated July 24, 1979 and recorded in Volume 15063, page 173 of Cuyahoga County Records;

Thence Southerly along the said Easterly line of land so conveyed, 159.09 feet to the center line of Progress Drive;

Thence Easterly along said center line, 297 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting and excluding therefrom, that part within the bounds of Progress Drive as shown by the Dedication Plat recorded in Volume 193 of Maps, page 8 of Cuyahoga County Records.

PPN: 392-26-002

Commonly known as: 11654 Pearl Road, Strongsville, Ohio 44136

EXHIBIT A



Marketing





Bringing a name, a place,
and a face to every cup of
coffee we serve.

This year, half of our coffee will
be sourced directly from farmers we
know, who are making the world a
better place. By 2028,
we are on a mission to become 100%
Farm-Direct.

Drive customers
 into your stores with
 our Coffee Season
 promotions, five
 times a year

new

Cuban Ciabatta

This delicious classic hits the spot with ham, havarti, dill pickles, and cuban mustard on ciabatta.



B BIGGBY COFFEE

We love the people behind our coffee even more.

Mint
 Chip
 Creme
 Freeze

Salted Caramel

Our sweet, salty, and decadent lineup is back and better than ever. Available hot, iced, frozen, or as a sweet foam cold brew.



Serving joy in every cup!

Peppermint Stick Mocha

Snow Mint Mocha

Winter Wonderland

Vibrant network of colleagues and fanatics in BIGGBY Nation

A dynamic, collaborative community of owner-operators and Home Office support functions, culminating with the annual BIGGBY® Nation Summit our annual convention of all Franchise Owner-Operators.



CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Lori Daley, Assistant City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: June 26, 2023

SUBJECT: Rezoning Application
Owner: Hany Potroos, St. Paul & St. Ethan, LLC
PPN: 392-26-002
Address: 11654 Pearl Road, Strongsville, Ohio 44149
From: General Business (GB) to Restaurant-Recreation Services (R-RS)

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

Cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Brill, Planning Commission Secretary

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka, Clerk of Council
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Brill, Planning Commission Secretary
Mitzi Anderson, Administrator to Boards and Commissions

From: Lori Daley, Assistant City Engineer

Date: June 27, 2023

Re: Rezoning Application
Hany Potroos, St. Paul & St. Ethan, LLC
PPN 392-26-002
11654 Pearl Road
From GB to R-RS

Neal,

The legal description and exhibit included in the Clerk of Council's June 26, 2023 memo regarding the above referenced application accurately describe the parcel to be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Marialena Beach, Council Secretary
DATE: July 5, 2023
SUBJECT: Referral from Council: Ordinance No. 2023-099

At its regular meeting of July 3, 2023, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2023-099 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 REAL ESTATE LOCATED AT 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading 07-03-23.*

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

MB
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Mitzi Anderson, Administrator, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 7, 2023

Please be advised that at its meeting of July 6, 2023, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2023-099:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to Change the Zoning Classification of Certain Real Estate Located at 11654 Pearl Road (PPN 392-26-002) in the City of Strongsville from GB (General Business) Classification to R-RS (Restaurant – Recreational Services) Classification, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 116

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR STORM SEWER SYSTEM PURPOSES FROM JOSEPH Z PROPERTIES LLC, AND DECLARING AN EMERGENCY.

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

Section 1. That the Council hereby authorizes the Mayor to accept a Grant of Easement for Storm Sewer System Purposes from **JOSEPH Z PROPERTIES LLC** for the purposes of constructing, reconstructing, maintaining, operating and repairing a storm sewer system and appurtenances in connection with the Carso Rosso Winery property located at 19583 Hunt Road, Strongsville, Ohio (PPN 399-33-099), as more fully set forth in Exhibit 1 attached hereto and made a part hereof by reference.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid Easement to be recorded in the office of the Cuyahoga County Fiscal Office after its execution and upon receipt of evidence of title satisfactory to the Law Director.

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 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 necessary to obtain the aforesaid easement in order to provide storm sewer service to certain areas of the City, for the proper development of lots and lands within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Date Passed: _____

Approved: _____
Mayor

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 - 116
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

Ord. No. 2023-116 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

**GRANT OF EASEMENT
FOR
STORM SEWER SYSTEM PURPOSES**

This Easement Grant is made between **JOSEPH Z PROPERTIES LLC**, (an Ohio Limited Liability Company), of 19583 Hunt Road, Strongsville, Ohio, (hereinafter referred to as the "Grantor"), and the **CITY OF STRONGSVILLE**, a municipal corporation, organized and existing under the laws of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149 (herein referred to as the "Grantee").

WHEREAS, the Grantor is the owner in fee simple of certain real estate located in the City of Strongsville, Ohio and known as Permanent Parcel No. 399-33-099 (hereinafter referred to as the "Property"); and

WHEREAS, the Grantor has an existing storm sewer system (hereinafter referred to as "storm sewer system") in, on, over and through the Property; and

WHEREAS, the Grantor wishes to grant and the Grantee wishes to accept an easement for the purposes of constructing, reconstructing, maintaining, operating and repairing a storm sewer system and appurtenances.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged, the following grants, agreements, and covenants are made:

The Grantor hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual easement and right to enter upon the premises described in Exhibits "A" and "B", attached hereto and incorporated herein by reference, and to remove and/or replace trees where necessary, or other items above and below the ground, for the purposes of constructing, reconstructing, maintaining, operating and repairing a storm sewer system and appurtenances, connected therewith, that in the opinion of the proper local authorities of the City of Strongsville, its successors or assigns, may be necessary or advisable, in order to maintain or operate said storm sewer system and appurtenances in accordance with the ordinances, rules and regulations

for the management and protection of such systems of said City of Strongsville, now in force or that may hereafter be adopted.

The Grantor and Grantee further, in consideration of the acceptance of the Easement above-mentioned by the City of Strongsville, do hereby agree that the storm sewer system has been initially constructed and installed. Said storm sewer system and appurtenances shall become the property of the City of Strongsville, its successors or assigns.

Grantor acknowledges and agrees that Grantee shall not be obligated to maintain landscaping and/or lawn areas within the easement area nor any area above the ground. These areas shall be maintained by the Grantor.

The Grantor and Grantee hereby restrict said premises within the limits of the above-described easement against the construction thereon of any temporary or permanent structures unless deemed necessary by the Grantee.

The Grantor agrees to keep the premises free of any obstructions which would interfere with Grantee's access to or maintenance of the storm sewer system, except for any obstructions approved by Grantee in writing or on a site plan submitted to and approved by the Grantee. Grantor further agrees to make no alterations to the premises which would increase or reduce the depth of the storm sewer system. Grantor is expressly permitted to pave certain areas above the storm sewer system as agreed to by the Grantee. If the maintenance or reconstruction of the storm sewer system requires removal of such pavement, then the Grantee shall be responsible for such removal. The removal and replacement of any pavement removed by Grantee shall be at Grantor's sole cost.

If the Grantor desires to alter the premises in any way other than is expressly permitted herein, it must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantor shall, at its own expense, relocate or reconstruct all or any portion of the storm sewer system which is affected by such alteration and, where necessary, grant a new easement of not less than the width of this easement under the same terms and conditions as herein provided. The relocated or reconstructed storm sewer system and appurtenances shall, upon completion and approval by the Grantee, become the property of the City of Strongsville.

If the Grantor violates any of the provisions of this Easement, the Grantee, at the expense of the Grantor, may enter upon the premises and make such alterations as are necessary to bring the premises into compliance with the provisions of this Easement.

The Grantor hereby reserves the right to use the premises for such use as is not expressly prohibited by or inconsistent with the terms of this Easement.

The Grantor covenants with the Grantee that it is well-seized of the premises as a good and indefeasible estate in fee simple, and has the right to grant and convey the premises in the manner and form above written. The Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to the Grantee, City of Strongsville, against

all lawful claims and demands whatsoever for the purposes described herein, including all liens and encumbrances whatsoever.

This Grant of Easement shall inure to the benefit of any person, firm or corporation who the City of Strongsville, its successors and assigns, shall authorize to undertake the performance of work within the purpose of this Easement.

The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, and that no changes in this Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto or their appropriate successors and assigns in accordance with law.

This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors and assigns.

TO HAVE AND TO HOLD the above-granted Easement, right-of-way, storm sewer system and appurtenances for the purposes above-mentioned, unto the City of Strongsville, forever.

IN WITNESS WHEREOF, this instrument is executed this 18th day of July, 2023.

Signed and acknowledged in the presence:

Adam Zambetti

"GRANTOR"
JOSEPH Z PROPERTIES LLC

By: Adam Zambetti

Its: Managing Member

"GRANTEE"
CITY OF STRONGSVILLE

By: _____

Thomas P. Perciak

Its: Mayor

STATE OF OHIO

COUNTY OF CUYAHOGA)



FAITH THOMAS
Notary Public
State of Ohio
My Comm. Expires
February 5, 2028

Before me, a Notary Public in and for said County and State, personally appeared the above-named **JOSEPH Z PROPERTIES LLC**, by Adam Zambetti, its Managing Member, who acknowledged that he/she did sign the foregoing instrument and that the same is

his/her free and voluntary act and deed as such officer and the free and voluntary act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Parma, Ohio, this 18th day of July, 2023.



FAITH THOMAS
Notary Public
State of Ohio
My Comm. Expires
February 5, 2028

[Signature]
Notary Public

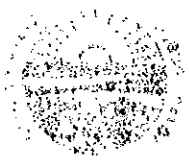
STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared **THE CITY OF STRONGSVILLE**, by Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed as an officer thereof, and the free act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this ___ day of _____, 2023.

Notary Public

City of Strongsville
Law Department



approved as to legal form only
by the Law Department of the
City of Strongsville

by, Daniel J. Holid

Assistant Director of Law.

Dated 7-21-23

HOFMANN - METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
P. O. BOX 343 - 24 BEECH STREET
BEREA, OH 44017
(440) 234-7350 - (440) 234-5544

George A. Hofmann, P.S., President
Richard D. Metzker, P.S., Vice President

Description

July 12, 2023

Zambetti

Exhibit A
20' Storm Sewer Easement

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot Number 1, and also being part Parcel A in a Lot Split for Adam Zambetti as shown by the recorded plat in AFN 202012160314 of the Cuyahoga County Map Records, and further bounded and described as follows:

Beginning at the intersection of the Easterly line of said Parcel A with the Old Centerline of Hunt Road;

Thence North 00 degrees 55 minutes 12 seconds West, a distance of 124.18 feet to its intersection with the relocated Northerly right of way line of Hunt Road;

Thence Northwesterly along said Northerly right of way line, being an arc of a circle deflecting to the right 110.78 feet and having a radius of 914.53 feet and a chord which bears N 63 degrees 25 minutes 57 seconds West, 100.73 feet to the PRINCIPAL PLCE OF BEGINNING;

Thence Northwesterly continuing along said Northerly right of way line, being an arc of a circle deflecting to the right 20.04 feet and having a radius of 914.53 feet and a chord which bears North 59 degrees 38 minutes 52 seconds West, 20.04 feet to a point;

Thence North 33 degrees 53 minutes 20 seconds East, parallel with and distant 10.00 feet from the center of an existing 48" storm sewer, a distance of 186.53 feet to a point in the Easterly line of said Parcel "A" ;

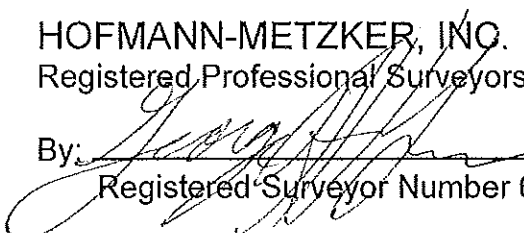
Thence South 00 degrees 55 minutes 12 seconds East along said Easterly line , a distance of 35.04 feet to a point;

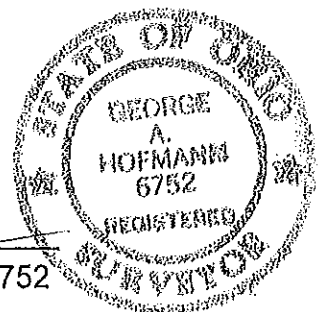
Thence South 33 degrees 53 minutes 20 seconds West, parallel with and distant 10.00 feet from the center of an existing 48" storm sewer, a distance of 156.53 feet to the PRINCIPAL PLACE OF BEGINNING.

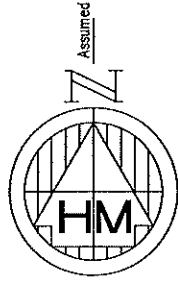
The courses used in this description are given to an assumed meridian and are used to indicate angles only.

Distances are given in feet and decimal parts thereof.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By: 
Registered Surveyor Number 6752





MAP MADE TO ACCOMPANY
 A 20' WIDE STORM SEWER EASEMENT
 Made at the instance of
 CARSO-ROSSO WINERY/ ADAM ZAMBETTI

Original Strongsville Twp Lot No. 1
 Now in the City of Strongsville, Ohio
 County of Cuyahoga, State of Ohio

HOFMANN-METZKER, INC.
 Registered Professional Surveyors
 24 Beech St. -- P.O. Box 343
 Berea, Ohio 44017
 (440) 234-7350
 email: george_jhm@ameritech.net

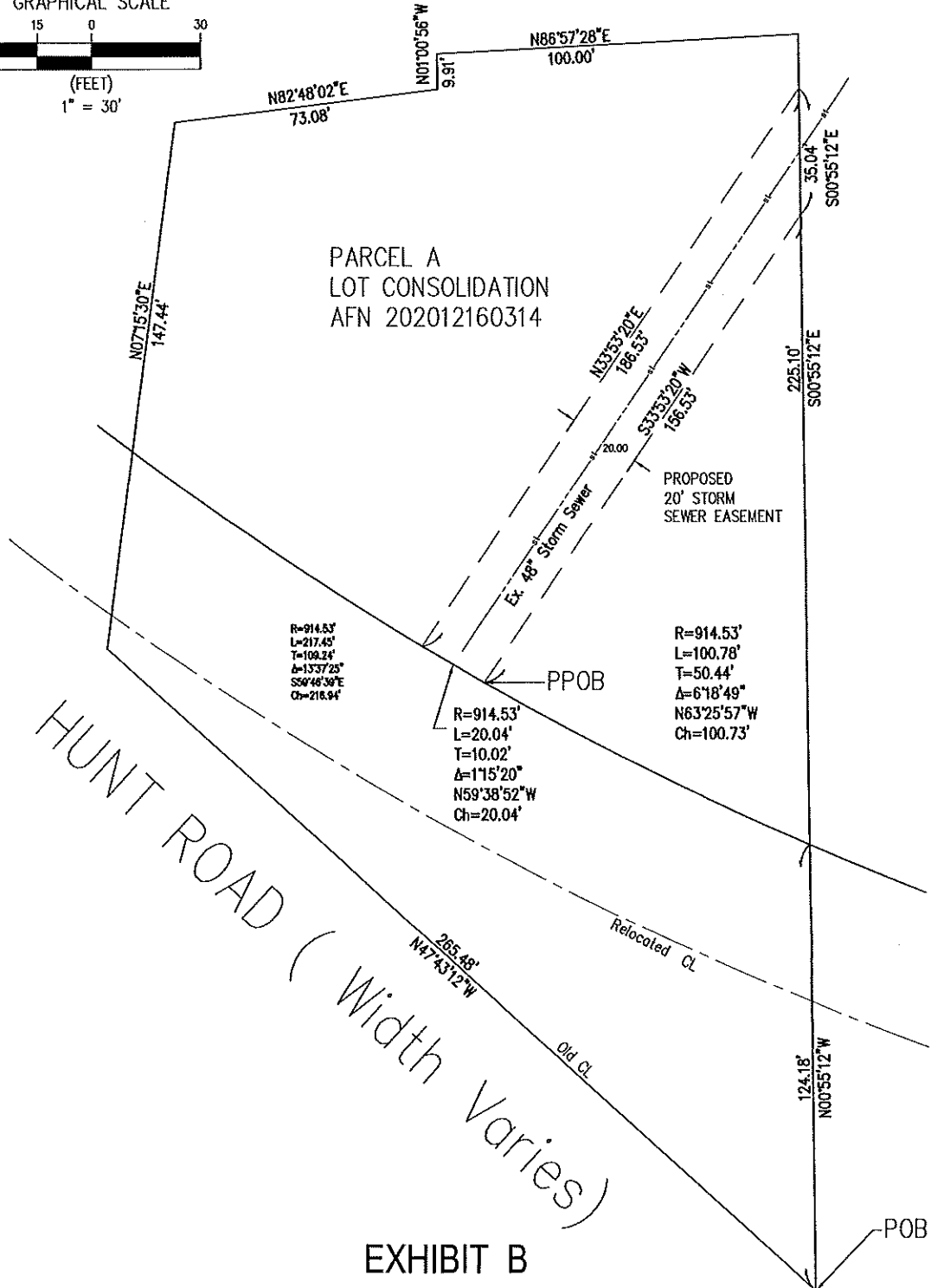
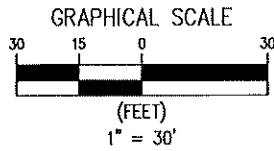


EXHIBIT B

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 117

By: Mayor Perciak and All Members of Council

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF STRONGSVILLE ON BEHALF OF THE STATE OF OHIO AS THE BORROWER TO REIMBURSE ITS SANITARY SEWER FUND FOR THE ALBION ROAD AND WEBSTER ROAD SANITARY SEWER PROJECT (OPWC PROJECT NO. CA16Z) WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That the City of Strongsville reasonably expects to receive a reimbursement for the Albion Road and Webster Road Sanitary Sewer Project (the "Project"), as set forth in Appendix A of the Project Loan Agreement with the Ohio Public Works Commission, with the proceeds of bonds to be issued by the State of Ohio.

Section 2. That the maximum aggregate principal amount of bonds, other than for costs of issuance, expected to be issued by the State of Ohio for reimbursement to the local subdivision is \$751,392.00.

Section 3. That the Director of Finance is hereby directed to file a copy of this Resolution with the City of Strongsville for the inspection and examination of all persons interested therein and to deliver a copy of this Resolution to the Ohio Public Works Commission.

Section 4. 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 this Council, and any of its committees, that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 6. That this Resolution is hereby declared to be 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 for the City to begin requesting disbursements of the loan from the Ohio Public Works Commission for funding assistance in connection with the Project, and to conserve public funds. Therefore, provided this Resolution 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.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 117
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-117 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CERTIFICATE OF COPY

The foregoing is a true and correct excerpt from the minutes of the meeting on _____, 2023, of the City of Strongsville of Cuyahoga County, showing the adoption of the Resolution hereinabove set forth.

(SEAL)

Aimee Pientka, Clerk of Council
City of Strongsville, Ohio

Dated: _____, 2023

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 118

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING CHAPTER 1601 FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ENACT A NEW SECTION 1601.28 CONCERNING OPEN BURNING; AMENDING EXISTING SECTIONS 1601.11, 1601.15, 1601.20, 1601.25 AND 1601.99(a), AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1601.28 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby enacted to read in its entirety as follows:

1601.28 OPEN BURNING.

No person shall engage in or allow open burning or recreational fires, as defined by the Ohio Fire Code, on any property except as specifically permitted in the Ohio Fire Code and subject to the following provisions:

- (a) **Cooking Fire.** Open flame or coals used for the cooking of food. Cooking fires shall not be conducted inside a structure, under any part of a structure, or within fifteen (15) feet of a structure.
- (b) **Recreational Fire.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires, including gas-fired recreational pits, shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
- (c) **Portable Outdoor Fireplaces.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. Outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material.
- (d) **Attendance.** All fires shall be constantly attended until the fire is completely extinguished.
- (e) **Size.** All fires shall be a maximum size of three (3) feet in diameter by two (2) feet in height. The fire shall be contained within a noncombustible material to prevent the spread of fire.
- (f) **Extinguishment Equipment.** A fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization to extinguish a fire.

- (g) Order to Extinguish. The Fire Department Official may order the immediate extinguishment of a fire at any time.

Section 2. That existing Section 1601.11 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.11 USE OF HYDRANTS.

- (a) No person, except Fire Department personnel, shall remove the cap or cover from, or turn on or off, any public or private fire hydrant, water valve or stopcock used for fire protection without first notifying the Fire Marshal's Office and obtaining approval to do the same.
- (b) No person, except Fire Department personnel, shall connect to any fire hydrant or take water therefrom without first applying for and receiving a permit from the ~~Fire Marshal's Office~~ **City of Strongsville Building Department**.

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 3. That existing Section 1601.15 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.15 PROPANE SALES AND STORAGE.

In premises accessible to the public, no person shall store liquid propane gas in excess of two hundred (200) pounds or sell propane in excess of fourteen (14) pounds without having first obtained a permit from the **City of Strongsville Building Department and a site inspection from the** Fire Marshal's Office. The permit shall be issued only if the storage or sale of propane is done in a safe manner and in compliance with all applicable laws. Permits shall be renewed on an annual basis. The filling or refilling of propane tanks shall occur only in areas zoned General Industrial.

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 4. That existing Section 1601.20 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.20 FIRE DAMAGED PROPERTY.

- (a) A Property Owner shall secure from tampering or trespassing any property or structure which has been damaged by fire within twenty-four (24) hours from the time of the incident.
- (b) A Property Owner shall clean up any property or structure which has been damaged by fire within forty-eight (48) hours from the time of the incident.
- (c) A Property Owner shall repair, or demolish, and clean up any property or structure damaged by fire within nine (9) months of its release by the Strongsville Fire Marshal's Office.
- (d) If a Property Owner fails to comply with Section 1601.20 (a), (b), or (c), the ~~Fire Marshal's office~~ **City of Strongsville Building Department** shall notify the Property Owner by certified mail to comply with the law within forty-eight (48) hours of the date of mailing of the notification. If the

Property Owner fails to comply with the notification within this time period, the City may take the appropriate action required of the Property Owner pursuant to this Section 1601.20. In such event, the City may recover its cost of doing so by certifying its cost to the County Auditor and having the cost placed against the property on the tax duplicate to be collected as all other property taxes are collected.

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 5. That existing Section 1601.25 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.25 BUILDING, SITE AND FIRE SYSTEM PLANS.

The Property Owner or its authorized agent shall submit to the Fire Marshal's Office all approved building, site and fire system plans. ~~in a suitable electronic media format~~

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 6. That existing Section 1601.99(a) of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.99 PENALTY.

Whoever violates or fails to comply with any provision of this Chapter or any order issued pursuant thereto shall be subject to the following penalties:

(a) Criminal Penalties.

- (1) Whoever violates either Section 1601.15, 1601.23 or 1601.26 is guilty of a misdemeanor of the first degree.
- (2) Whoever violates either Section 1601.09(a), 1601.11(a), 1601.12(b), or 1601.21 is guilty of a misdemeanor of the second degree.
- (3) Whoever violates either Section 1601.09(b), 1601.10(b), 1601.11(b), 1601.13(a), 1601.14, ~~or 1601.17~~, or **1601.28** is guilty of a misdemeanor of the third degree.
- (4) Whoever violates either Section 1601.19, 1601.20(a), 1601.20(b), or 1601.20(c) is guilty of a misdemeanor of the fourth degree.
- (5) Whoever violates Section 1601.09(c), 1601.18(b), 1601.18(c), 1601.22, or any other section for which no other penalty is provided is guilty of a minor misdemeanor.

~~(Ord. 2017-184. Passed 11-6-17.)~~

* * *

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 118
Page 4

Section 8. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to provide a reasonable level of life safety and property protection from the hazards of fire or dangerous conditions. 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	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
 Clerk of Council

Ord. No. 2023-118 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 119

By: Mayor Perciak and All Members of Council

AN ORDINANCE RATIFYING AND APPROVING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE OHIO ATTORNEY GENERAL'S OFFICE IN CONNECTION WITH THEIR LAW ENFORCEMENT DIVERSION PROGRAM FOR FISCAL YEAR 2024 RELATING TO THE OPIOID EPIDEMIC; AUTHORIZING ACCEPTANCE OF FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, by and through Ordinance No. 2017-159, this Council approved and authorized the filing of an application for financial assistance from the Ohio Attorney General's Office in connection with their Law Enforcement Diversion Program relating to the opioid epidemic, so that the City could proceed to form and implement a Quick Response Team (QRT) to directly assist individuals affected by the opioid crisis, and provide such individuals and families with outreach from the City of Strongsville Police and Fire Emergency Services; and

WHEREAS, by and through subsequent Ordinance Nos. 2017-178, 2019-144, 2020-071, 2021-127 and 2022-081, this Council approved the filing of additional applications and acceptance of awards of funding from the Ohio Attorney General's Office and further authorized the Mayor to enter into Agreements in connection therewith; and

WHEREAS, the Ohio Attorney General's Office has once again extended the opportunity for law enforcement agencies to apply for funds through the Law Enforcement Diversion Program for the fiscal year 2024; and

WHEREAS, in order to meet the deadline for submission of applications to receive funding under the Ohio Attorney General's Office Law Enforcement Diversion Program for the fiscal year 2024, the City, through its Police Department, has applied for further funding to continue the Quick Response Team program; and

WHEREAS, the City has been notified that its application for the reimbursement of certain funds expended under the Ohio Attorney General's Office Law Enforcement Diversion Program has been approved in the amount of \$65,000.00; and

WHEREAS, therefore, the City is now desirous of accepting such award.

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

Section 1. That this Council hereby ratifies and approves the submission of an application for financial assistance to the Ohio Attorney General's Office Law Enforcement Diversion Program for fiscal year 2024, in the form on file with the Chief of Police.

Section 2. That this Council hereby approves the acceptance of the award of funding in the amount of \$65,000.00 under such Law Enforcement Diversion Program, and hereby authorizes the Mayor, Director of Finance, Chief of Police, and/or other appropriate officers of

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 119
Page 2

the City to provide, execute and deliver agreements, certifications, assurances and such other information as may be required in connection therewith.

Section 3. That any funds required to meet the City's obligation under said application have been appropriated and paid from the General Fund, and the grant funds awarded to the City shall be deposited to such 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 ratify and approve the submission of the application for financial assistance in order to meet the filing deadline, to accept such award, 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	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
 Clerk of Council

Ord. No. 2023-119 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

**OHIO ATTORNEY GENERAL'S OFFICE
RECIPIENT ORGANIZATION AGREEMENT**

Recipient Organization: Strongsville Police Department

Maximum Amount: \$65,000.00

Award Period: Commencement Date – July 1, 2023 End Date – June 30, 2024

The parties hereto agree as follows:

I. Funding Purpose and Recapture of Funds. In accordance with the terms hereof, the Recipient Organization (the "Recipient") agrees to expend certain funds for the Law Enforcement Diversion Program to address the opioid epidemic in Ohio by providing necessary assistance and/or referrals to treatment options, recovery support, counseling and mental health treatment services, in accordance with the approved application attached hereto as Exhibit A and incorporated as if fully rewritten herein. The Recipient agrees that it will be liable to repay any funds spent in a manner inconsistent with this Agreement or the stated purpose as determined by the Ohio Attorney General ("Attorney General"). This Agreement may only be modified with the prior approval of the Attorney General. All modifications to this Agreement will be in writing and signed by both parties to this Agreement. Any change from the application in Exhibit A without a modification to this Agreement will be grounds for recapture of the funds by the Attorney General.

II. Limitations on Use of Funds. Funds received under this Agreement will not be used for any political campaign or governmental lobbying in a partisan manner. Expenses to be reimbursed under this Agreement must be performed during the Award Period stated above.

III. Disbursement of Funds. Funds will be disbursed monthly on a reimbursement basis upon the Attorney General's receipt of: (1) a Request for Payment Report, the form of which will be provided by the Attorney General and is attached to this Agreement as Exhibit B for reference, from Recipient documenting the services provided for the previous month; and (2) a Monthly Reporting Questionnaire, the form of which will be provided by the Attorney General and is attached to this Agreement as Exhibit C for reference. Request for Payment Reports and Monthly Reporting Questionnaires are due by the fifteenth of each month for the previous month's expenses. After receipt and approval by the Attorney General of a completed Request for Payment Report, payment will be made pursuant to Ohio Adm.Code 126.30. Unless otherwise directed by the Attorney General, completed Request for Payment Reports and Monthly Reporting Questionnaires should be directed via email to: Invoices@OhioAGO.gov. Disbursements are contingent upon the timely submission and approval of all required program and financial reports and compliance with the requirements set forth in Section IX below. Unexpended funds must be returned to the Attorney General.

IV. Ethics/Conflict of Interest. The Recipient, by signature on this document, certifies that it has reviewed and understands the Ohio ethics and conflict of interest laws, and will take no action inconsistent with those laws.

V. Non-Discrimination. Pursuant to Ohio Revised Code ("R.C.") 125.111 and the Attorney General's policy, Recipient agrees that Recipient and any person acting on behalf of Recipient shall not discriminate, by reason of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry against any citizen of this state in the employment of any person qualified and available to perform the work under this Agreement. Recipient further agrees that Recipient and any person acting on behalf of Recipient shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

VI. Compliance with Law. The Recipient, in expending the funds, agrees to comply with all applicable federal, state and local laws, rules, regulations and ordinances.

VII. Authority to Bind Parties. The person signing this document on behalf of Recipient is legally authorized to contractually obligate the Recipient.

VIII. Certification of Funds. It is expressly understood and agreed by the parties that none of the rights, duties, and obligations described in this Agreement shall be binding on either party until all relevant statutory provisions of the Ohio Revised Code, including, but not limited to, R.C. 126.07, have been complied with, and until such time as all necessary funds are available or encumbered and, when required, such expenditure of funds is approved by the Controlling Board of the State of Ohio, or in the event that grant funds are used, until such time that the Attorney General gives Recipient written notice that such funds have been made available to the Attorney General by the Attorney General's funding source.

IX. Reporting Requirement. Recipient shall submit a report by January 1, 2024 and a final report by July 31, 2024 to the Attorney General describing the use of the funds during the Award Period and the outcome received from the expenditure of the funds. These reports shall include the information on attachment Exhibit D, 2024 DART Semiannual-Annual Report Form. These reports shall be sent to the following address: GrantsManagement@OhioAGO.gov. Additionally, pursuant to Section 221.30 of Amended Substitute House Bill No. 166 of the 133rd General Assembly, Recipient shall, within six months of the end date of the Award Period, submit a written report describing the outcomes that resulted from the award to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

X. Relationship of Parties. It is fully understood and agreed that Recipient is an independent contractor and neither Recipient nor its personnel shall at any time, or for any purpose, be considered agents, servants, or employees of the Attorney General for the purpose of Ohio Public Employees Retirement Systems benefits.

XI. Time of Performance. Notwithstanding the foregoing, as the current General Assembly cannot commit a future General Assembly to expenditure, this Agreement shall expire no later than June 30, 2022. The Attorney General may renew this Agreement for an additional one-year term on the same terms and conditions by giving written notice prior to expiration. Such renewal shall begin July 1, 2022 and shall expire no later than June 30, 2023, unless sooner terminated as set forth herein.

2024
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IN WITNESS WHEREOF, the parties hereto have caused this Recipient Organization Agreement to be executed by their duly authorized officers.

OHIO ATTORNEY GENERAL

30 East Broad Street, 17th Floor
Columbus, Ohio 43215-3400

By: _____

Benjamin Marrison

Chief of Staff

Date: _____

Approval as to Form

By: 

Melissa L. Wilburn
Principal Assistant Attorney General
Finance Section, Business Counsel Unit

Date: 8/15/23

STRONGSVILLE POLICE DEPARTMENT

By: _____

Name: Thomas P. Perciak

Title: Mayor, City of Strongsville

Date: _____

EXHIBIT A
Approved Application



DAVE YOST
OHIO ATTORNEY GENERAL

OHIO ATTORNEY GENERAL

**LAW ENFORCEMENT DIVERSION PROGRAM
GRANT APPLICATION**

This grant supports collaborative partnerships between local law enforcement and behavioral health treatment providers to assist in the replication or expansion of law enforcement diversion programs to address addiction. Programs should be modeled after the Drug Abuse Response Team (DART) and Quick Response Teams (QRT) initially created in Lucas, Hamilton and Summit counties. DART members provide 24-hour assistance to overdose survivors and their families, including treatment options, recovery support and other necessary services. QRT team members visit the overdose survivor at home within 72 hours of an overdose to offer counseling and referral to physical and mental health treatment services. During the visit, the QRT provides a resource packet offering phone numbers of treatment facilities and information about addiction.

NON-PERMISSIBLE USE OF FUNDS

- Bonuses, fees, or reimbursable expenses associated with administrators, staff, board members and executive directors
- Capital campaigns
- Cellular service/equipment
- Contracts for audits
- Debt retirement, including mortgages, line-of-credit, etc.
- Entertainment
- Equipment/technology
- Food and beverages
- Fundraising events or donations to other organizations
- Indirect costs
- Legal costs or legal representation
- Political activity or lobbying
- Rent, utilities, insurance and taxes
- Salaries, benefits and overtime for personnel who are not directly responsible for the program
- Travel and related expenses
- Uniforms/clothing
- Vehicles

NOTICE REGARDING APPLICATION REVIEW

1. The Ohio Attorney General may make use of resources beyond the materials submitted in each application and/or request additional documentation from applicants, as necessary. This may include, but is not limited to, documentation available from published and other sources related to the project and which supports or verifies the content of the application.
2. Requests for additional information from applicants will include a due date by which applicants must submit responses.
3. The Ohio Attorney General's Office reserves the right to make exceptions to these requirements and consider modifying program guidelines on a case-by-case basis.

APPLICATION SUBMISSION

Submit the completed application and all attachments via email to **Mary Lynn Plageman** at **GrantsManagement@OhioAGO.gov**.

CONTACT INFORMATION

Office of Ohio Attorney General Dave Yost
Attn: Mary Lynn Plageman
30 E. Broad St., 17th Floor
Columbus, OH 43215
Phone: 614-728-2280
Website: www.OhioAttorneyGeneral.gov
Email: MaryLynn.Plageman@OhioAGO.gov

ORGANIZATION INFORMATION

Organization name: Strongsville Police Department
Address: 18688 Royalton Road
City: Strongsville ZIP: 44136 County: Cuyahoga
Phone number: 440-580-3230
Is your organization tax-exempt under Section 501 (c)(3): Yes No

HEAD OF THE ORGANIZATION

Name: Mark Fender
Title: Police Chief
Phone number: 440-580-3232
Email address: Mark.Fender@Strongsville.org

CONTACT PERSON INFORMATION

Name: Michael Campbell
Title: Police Lieutenant
Phone number: 440-580-3224
Email address: Michael.Campbell@Strongsville.org

WORK PLAN ESSAYS

The Work Plan Essays explain the connections between the different components of the program or project. It is a useful tool for planning, implementation, and evaluation and for quickly explaining to others what your program is about.

1. What would the grant funds be used for?

The grant funds will be used to pay for the wages and fringe benefits of police and fire department personnel and to cover the cost of a drug counselor. This team will visit the survivors of an overdose who reside in the City of Strongsville. If the survivor lives outside of the Strongsville City limits, at minimum, a phone call will be placed to the survivor or their family. Treatment options and resources will be provided to the survivors and their families. The ultimate goal is to have the survivor receive the appropriate treatment for their addiction. With the consent of the families and/or survivors, the team will maintain contact to offer additional resources and to monitor their progress. The team will also assist those in our city jail or those who voluntarily come to our police department who wish to seek treatment for their drug addiction. The funds also will be used personnel to participate in public relations activities to increase awareness and educate the public about the addiction and treatment options.

2. The primary purpose of the grant is support of law enforcement programs that address the opioid epidemic. Please explain any desired expansion of the program considered necessary to meet the current needs of your community.

Our department has been running this program since 2017. As of the time of this application the team has attempted almost 2,000 encounters with people through this program. We continue to communicate with these individuals to offer them support and resources. Due to the amount of people we strive to remain in contact with, more time and money is needed for this purpose. There has been an increase of those in our jail population who wish to seek treatment upon their release. This expansion will decrease recidivism among those who commit crimes because of their addiction. The primary purpose of this program is to help those with an addiction to opioids, but we encounter others in our community who have addictions to other drugs that would benefit from our services. We will help these individuals when the need arises. We will also cover this program at community events including our Citizens Police Academy to increase awareness about addiction and decrease the stigma associated with addiction.

3. Outline objectives that will result from the proposed project. Objectives are specific, observable, time-framed and measurable.

The objectives associated with this grant include contacting 50% of the survivors of an overdose within 72 hours of their overdose. Another objective of this grant is to assist 30% of overdose survivors to engage in treatment services for their addiction during this grant cycle. Another objective of this grant is to assist 80% of those who willingly ask for help finding treatment either through our city jail or by contacting our department to enroll in treatment. Our department will also aim to participate in at least 2 community events to educate the community about addiction and to decrease the stigma associated with addiction. These objectives will be measured on a monthly, annual, and length of the project basis.

4. Describe the steps necessary to accomplish your objectives, including an operational schedule for the project.

To accomplish the objectives of this project, members of the response team will convene at least twice a week to contact survivors, follow up with those we have contacted, and educate the public. The officers who initially respond to a reported overdose are crucial to the success of this program. Our department has created cards that are given to the survivor at their overdose that describes the program and provides a phone number that the survivor can contact to make an appointment for the response team to visit or answer any questions they may have. If the survivor does not wish to go to treatment upon the first visit by the response team, the team will continue to follow-up with the survivor. Our corrections officers will provide information to inmates in our jail about this program. If they wish to seek help, this can be facilitated upon their release from our jail.

5. Who will be responsible for completing the work necessary to achieve the objectives? Please list all agency community partners. Treatment providers must be certified by the Ohio Department of Mental Health and Addiction Services.

The responsible parties to complete the necessary work and achieve objectives are Ohio Guidestone and all the police officers and fire medics who work on this project. The Support Services Lieutenant with the police department will be responsible for the oversight and reporting for this grant. Ohio Guidestone is certified by the Ohio Department of Mental Health and Addiction Services.

6. Specify the indicators and measures to be used to determine whether your objectives have been met. The methodology, type of measurement utilized, and responsible individuals for collecting this data should be specified.

The ultimate goal of this program is to reduce drug overdoses in the City of Strongsville. The objectives outlined in section (3) will be measured using a combination of a spreadsheet and an application developed by our IT department. The Support Services Lieutenant with the police department will be responsible for collecting the necessary data. After the data is compiled for the previous month and finalized, a monthly report summary will be generated. The monthly report will contain the number of overdoses, the number of survivors contacted within 72 hours, the number of overdose deaths, the number of contacts with overdose survivors, the number of survivors referred to treatment, and any public relations activities conducted by team members. These statistics will be used to demonstrate progress toward meeting stated objectives and dictate any changes needed to improve the program.

3. Please provide a detailed description of the items included in the Project Budget table.

A police officer, drug counselor, and fire medic, all plan on devoting an average of 6 hours per week, for a total of 312 hours for the fiscal year, (52 weeks, multiplied by 2 (times per week), multiplied by 3 (hours meeting each time according to labor agreements)) to this program. The police and fire employees participating in the project will be paid according to a contract agreed upon by collective bargaining. The cost of services provided by Ohio Guidestone is \$80 per hour.

4. Please provide a time frame during which the funds will be used, including milestones and project completion.

The funds will be used over the upcoming grant cycle (2024 fiscal year) to pay for wages and fringe benefits for personnel involved with this project. A milestone will be the sustained reduction of overdose calls for service for our police and fire departments to the level in 2015 (20). If this can be achieved, the next milestone would be the reduction of overdose calls for service to the level in 2014 (5), when the opiate problem was first observed in Strongsville. The objectives for this project will be considered complete should this second milestone be achieved.

5. Should you be using an amount of the funds, within the allowable range, for salary, what is your plan for funding the position(s) once the grant funds are exhausted?

We plan to continue this program after the grant funds have been exhausted. We intend to keep this program for as long as the drug problem persists in the City of Strongsville. The successes and failures associated with this grant project will dictate any changes to the program and how it is administered.

ORGANIZATION AUTHORIZATION AND CERTIFICATION

I understand that by signing this application, I grant the Ohio Attorney General's Office or its authorized agents access to any records for verification and evaluation of the information provided in this application. I understand that completion of the application does not guarantee that I will receive the requested grant.

I certify that the information I have provided in this application is, to the best of my knowledge, a true and accurate and complete disclosure of the requested information. I understand that I may be held civilly and criminally liable under federal and state law for knowingly making false or fraudulent statements.

Organization: Strongsville Police Department

Name: Michael Campbell

Title: Lieutenant

Signature: _____

Date: 05/18/2023

EXHIBIT B
Request for Payment



DAVE YOST
OHIO ATTORNEY GENERAL

REQUEST FOR PAYMENT REPORT

Reporting Period: _____ Payment Request: \$ _____ PO Number _____

Agency: _____

Address: _____

Budget Cost Categories	Approved Budget	Current Expenditures	Total YTD Expenditures
Personnel Salaries			
Other			
Total Costs			

Status of Objectives

Certification & Signature

I certify that all information and transactions I have reported in this report is, to the best of my knowledge, a true and accurate and complete disclosure of the requested information.

Typed Name & Title of Designated Official:	Signature of Designated Official and Date:

Please remit to Invoices@OhioAttorneyGeneral.gov. Attach documentation for justification of the request for payment (i.e. timesheets & ledger reflecting date of expenditures).

EXHIBIT C
2023 Monthly Reporting Questionnaire

MONTHLY REPORTING QUESTIONNAIRE: DART/QRT GRANT

The Ohio Attorney General's Office seeks to quantify the excellent work being done by your overdose response team. Please submit the following information along with your monthly request for payment for your QRT/DART grant. And feel free to add any other information that you think helps to describe your team's performance.

Report begin date: _____ Report end date: _____

Fatal overdoses during current reporting period: _____

Percentage increase/decrease from previous reporting period: _____

Nonfatal overdoses during this reporting period: _____

Percentage increase/decrease from previous reporting period: _____

Number of victims who experienced multiple overdoses during current reporting period: _____

Number of overdose victims you attempted to contact during current reporting period: _____

Number of overdose victims you succeeded in contacting during current reporting period: _____

Number of overdose victim's family members you contacted (because victim wasn't available) during current reporting period: _____

Of the overdose victims you contacted during the current reporting period: _____

How many sought treatment? _____

How many refused or ignored treatment options offered? _____

How many have continued treatment/recovery? _____

How many had a subsequent overdose? _____

How many died of a subsequent overdose? _____

What services/products/information do you offer/recommend to overdose victims and their family members?

If your program provides naloxone kits to drug users, how many drug users received kits? _____

If your program provides naloxone kits to family members of drug users, how many families received kits? _____

Please save the completed form to your computer for your records.
Return report to Invoices@OhioAttorneyGeneral.gov.
If you have any questions, please contact Mary Lynn Piageman at 614-728-2280.

SAVE AS

SUBMIT



2023 DART Semiannual-Annual Report Form

SEMIANNUAL/ANNUAL REPORTING FORM

DART/QRT GRANT

CONTACT INFORMATION

Project Name: Date:
Project Sector: Project Contact:
Partner Agencies:

GOALS

State original project goals and objectives and describe outcome progress.*

Objective 1:
Progress:

Objective 2:
Progress:

Objective 3:
Progress:

PARTNERSHIPS

Describe current partnerships; include what is working and what should be added or removed.

Partnership 1:

Partnership 2:

Partnership 3:

**If you need more space than allotted to answer any question on this form, please attach additional pages to submission.*



SEMIANNUAL/ANNUAL REPORTING FORM: DART/QRT GRANT

PROJECT DETAILS

Describe the obstacles you have encountered.

What support(s) do you need in order to make your DART/QRT sustainable?

Please provide attachments for any achievements related to DART/QRT work (i.e. press releases, news stories, awards, etc.). Briefly list achievements and supporting documents.

Please include any additional details you would like to share with the Attorney General's Office.

Please save the completed form to your computer for your records.
Return report to GrantsManagement@OhioAttorneyGeneral.gov.
If you have any questions, please contact Mary Lynn Plageman at 614-728-2280.

SAVE AS

SUBMIT



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 - 120

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE DISPOSAL OF VARIOUS ITEMS OF EQUIPMENT AND FURNITURE UTILIZED BY THE FIRE DEPARTMENT, AND NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

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

Section 1. That this Council finds that the City of Strongsville Fire Department has various items of equipment and furniture, which are in poor condition and unsafe for further use, and which are surplus, have no monetary value and are no longer needed for any municipal purpose; and further finds that it would be in the best interest of the City to dispose of such items of equipment and furniture. Said items are more fully set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2. That, pursuant to Article IV, §3(e) of the City Charter, the Director of Finance, with the assistance of the Fire Chief, be and are hereby authorized to dispose of the items of equipment and furniture which are identified in Exhibit A, and to perform all acts required in furtherance thereof.

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.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

Yea Nay

Attest: _____
Clerk of Council

Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Ord. No. 2023-120 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

The following Fire Department assets have reached the end of their service life and have no resale value, scrap value, or trade-in value.

<u>CITY TAG</u>	<u>DESCRIPTION</u>	<u>DATE OF ACQUISITION</u>
FIRE0278	HOSE SCRUBBER	01/01/1982
FIRE0541	FIREHOUSE SOFTWARE ENTERPRISE VERSION	01/05/2003
FIRE#4-30	FREEDOM TASK CHAIRS	02/21/2008
FIRE07003	BATTERY SUPPORT SYSTEMS FOR CARDIAC MONITORS	07/19/2007
	Lane Recliners (8), Resolution 2012-020	02/22/2012

EXHIBIT A

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 121

By: Mayor Perciak and All Members of Council

AN ORDINANCE ENACTING A NEW CHAPTER 1476 OF TITLE SIX OF PART FOURTEEN OF THE BUILDING AND HOUSING CODE OF THE CITY'S CODIFIED ORDINANCES CONCERNING SOLAR ENERGY FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the construction, installation and use of solar energy facilities in residential, commercial and industrial buildings has risen in recent years; and

WHEREAS, it is in the City's best interest to provide standards for the placement, design and operation of solar energy facilities to the extent permitted by law in order to properly secure the health, safety and welfare of the user and the surrounding neighbors.

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

Section 1. That new Chapter 1476 of Title Six of Part Fourteen of the Building and Housing Code of the Codified Ordinances of the City of Strongsville relating to solar energy facilities be and is hereby enacted to read in its entirety as follows:

**CHAPTER 1476
SOLAR ENERGY FACILITIES**

1476.01	Purpose and Intent.
1476.02	Definitions.
1476.03	Compliance and Permit Required.
1476.04	Use to Be Accessory.
1476.05	Roof Mounted Solar Arrays in Residential Districts.
1476.06	Roof Mounted Solar Arrays in Non-Residential Districts.
1476.07	Free-Standing/Ground Mounted Solar Arrays.
1476.99	Penalty.

1476.01 PURPOSE AND INTENT.

The purpose of this Chapter is to provide for the construction and operation of Solar Energy Facilities as accessory uses in various Zoning Districts within the City, to provide standards for the placement, design, and operation of such facilities in order to protect the public health, safety, and general welfare, and to minimize the adverse impacts of Solar Energy Facilities on adjacent properties and on the aesthetic quality of the City.

1476.02 DEFINITIONS.

The words and terms used in this Chapter shall have the following meanings:

- (a) Solar Energy Facility: means a Solar Array intended to provide electrical power primarily for consumption on-site.

- (b) Solar Array: means any collection of Solar Panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.
- (c) Solar Panel: means any device used for collecting solar energy and converting it to electrical power.

1476.03 COMPLIANCE AND PERMIT REQUIRED

Solar Energy Facilities shall be designed, erected, installed, operated, and/or maintained only in accordance with the provisions set forth in this Chapter. A permit issued by the Building Department shall be required prior to the erection, installation, connection, or operation of any Solar Energy Facility. Applicants shall provide written evidence that the power company has been informed of the intent to install a Solar Energy Facility at the subject site. Solar Energy Facilities shall be operated at all times in compliance with all applicable Federal, State, County and City regulations.

1476.04 USE TO BE ACCESSORY

Solar Energy Facilities shall only be permitted as accessory to a principal use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities, electrical storage, and distribution of power are prohibited.

1476.05 ROOF MOUNTED SOLAR ARRAYS IN RESIDENTIAL DISTRICTS

Roof mounted Solar Arrays in Residential Districts shall be located, maintained, and operated in conformance with the following criteria and standards:

- (a) Roof mounted Solar Arrays shall be considered part of the principal building and not a separate accessory structure.
- (b) Solar Panels shall not extend more than twenty-four (24) inches above the plane of the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof.
- (c) Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.
- (d) All accessory components shall be located either within the building or behind the front setback line of the principal building.
- (e) All accessory components shall comply with the minimum side and rear building setback lines for the dwelling.
- (f) Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.
- (g) Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.
- (h) Solar Arrays shall not contain advertising visible from off the premises.
- (i) Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (j) Accessory components shall be screened from view from public rights-of-way and adjacent properties.

1476.06 ROOF MOUNTED SOLAR ARRAYS IN NON-RESIDENTIAL DISTRICTS

Roof mounted Solar Arrays in non-residential districts shall be located, maintained, and operated in conformance with the following criteria and standards:

- (a) Roof mounted Solar Arrays shall be considered part of the principal building and not a separate accessory structure.
- (b) Solar Panels shall not extend more than twenty-four (24) inches above the plane of the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof.
- (c) Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.
- (d) All accessory components shall be located either within the building, behind the front setback line of the principal building, or hidden from view behind the parapet walls of buildings with flat roofs.
- (e) All accessory components shall comply with the minimum side and rear building setback lines for the principal building.
- (f) Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.
- (g) Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.
- (h) Solar Arrays shall not contain advertising visible from off the premises.
- (i) Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (j) Accessory components shall be screened from view from public rights-of-way and adjacent properties.

1476.07 FREE-STANDING/GROUND MOUNTED SOLAR ARRAYS

Free-standing or Ground Mounted solar arrays shall be prohibited in all Residential and Business Zoning Districts

Free-standing or Ground Mounted solar arrays may be permitted in Public Facilities Districts, as provided in Chapter 1256 of the Zoning Code, and in Research-Development, General Industrial Districts and General Industrial-A Districts, as provided in Chapter 1262 of the Zoning Code, provided that a conditional use permit is granted, as provided in the applicable provisions of Section 1242.07 of the Zoning Code, subject to the additional following criteria and standards:

- (a) Maximum Height:
Free-standing or Ground Mounted Solar Arrays shall not exceed a maximum height of fifteen (15) feet measured to the highest projection of any Solar Panel in final configuration and orientation.
- (b) Minimum Setback:
Free-standing or Ground Mounted Solar Arrays shall be setback from all side and rear property lines a distance of not less than twenty (20) feet.
- (c) Location:
Free-standing or Ground Mounted Solar Arrays shall be located behind the rear line of the principal building to which such facility is accessory.
- (d) Structural Support and Wind Load:
Free-standing or Ground Mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds as required by the Ohio Building Code.
- (e) Accessory Components:
All accessory components shall be located either within the principal building or behind the principal building and within the required side and rear building setback lines for the principal building. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

- (f) Wiring:
All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

1476.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which such violation or noncompliance occurs or continues.

Section 3. That in case of conflict between any provision of this Ordinance and any other ordinance or resolution, or part thereof, the provisions of this Ordinance shall prevail and apply, unless a conflicting provision is deemed to be more restrictive.

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 an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to provide for regulation of solar energy facilities. 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.

First reading: _____

Referred to Planning Commission

Second reading: _____

Third reading: _____

Approved: _____

Public Hearing: _____

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 121
Page 5

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

Ord. No. 2023-121 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 122

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE OF OHIO ISSUE 1 FUNDING FOR THE WASTEWATER TREATMENT PLANTS B & C REHABILITATION PROJECT IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, this Council is desirous of making application for State of Ohio Issue 1 funding, including both a grant and loan (at zero percent interest), for critical infrastructure improvements associated with the Wastewater Treatment Plants B & C Rehabilitation Project, with a total overall estimated cost of \$34,060,037.00.

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 and City Engineer be and are hereby authorized and directed to prepare and submit an application to the Ohio Public Works Commission for \$4,087,204.00 in Issue 1 funding, including both a grant and loan, for critical improvements to and rehabilitation of the Wastewater Treatment Plants B & C; and to execute all documents and do all things necessary in furtherance thereof.

Section 2. That if such application is approved, it is the intent of this Council to pay for the City's portion of the costs in connection with such Project, estimated to be \$29,972,833.00, from the Sanitary Sewer Fund.

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 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 the preparation and submission of the application is immediately necessary in order to meet the application deadline date, provide for critical improvements to the City's wastewater treatment plants, 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: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 122
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

Ord. No. 2023-122 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 123

By: Mayor Perciak and All Members of Council

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

WHEREAS, in compliance with Sections 731.51 to 731.54 of the Ohio Revised Code, and Section 606.28 and Chapter 1442 of the Strongsville Codified Ordinances, weeds and grass were cut and building violations were corrected, after proper notification to the property owners to abate said nuisances.

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

Section 1. That the Director of Finance of the City be and is hereby authorized and directed to certify to the Fiscal Officer of Cuyahoga County various property maintenance nuisance abatements and penalties which are due and unpaid for the premises and in the sums set forth in Exhibit "A", plus interest at the rate of ten percent (10%) per annum, attached hereto and incorporated herein by reference, for extension of the tax duplicate and collection by the County Treasurer in the same manner as other taxes.

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 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 Resolution 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 the immediate certification is necessary in order to comply with County deadlines and to preserve public funds. Therefore, provided this Resolution 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: _____

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 - 123
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

RES

Ord. No. 2023-123 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY NAME	
ASSESSMENT NAME	
TotalNumber of Parcels <u>8</u>	
PARCEL ID in Parcel Order	SPA AMOUNT
39319029	550.00
39332012	550.00
39332012	550.00
39425026	550.00
39501044	3300.00
39503009	550.00
39721005	550.00
39917016	550.00
Total	\$ 7,150.00





FISCAL OFFICE REAL PROPERTY

THE ATTACHED LIST OF SPECIAL ASSESSMENT CHARGES HAVE BEEN CONFIRMED BY THE COUNCIL OF:

MUNICIPALITY ASSESSMENT TYPE

HEREBY CERTIFIED FOR COLLECTION IN ANNUAL INSTALLMENTS OF

TO BE COLLECTED BEGINNING TAX YEAR ENDING TAX YEAR

BY ORDER OF RESOLUTION NO.

E. J. Ryan Finance Director _____ DATE

FOR FISCAL OFFICE USE ONLY

Date Received Date of Manual Entry Date Formatted Fund Number

Date Imported to MVP Date Validated Employee Initials

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 124

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Sections 5705.34 and 5705.35 of the Ohio Revised Code, the Cuyahoga County Budget Commission has informed the City of Strongsville of the amounts and rates of the necessary tax levies for tax year 2023, to be collected in year 2024; and

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2024; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

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

Section 1. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. That there be and is hereby levied on the tax duplicate of the City of Strongsville, the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

Fund	Amount to be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund				1.50
General Bond Retirement Fund			2.30	
Police Pension Fund			0.30	
Fire Pension Fund			0.30	
Fire Fund				3.50
Sewer Fund				0.40
Southwest General H. C.				1.00
Total			2.90	6.40

**SCHEDULE B
 LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

Fund	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A. Column II)
General Fund:		
Current Expense Levy authorized by voters on for not to exceed _____ years.	, 20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed _____ years.	, 20	
Recreation Fund: Levy authorized by voters on for not to exceed _____ years.	, 20	

Section 3. That the Clerk of Council be and is hereby authorized and directed to promptly certify and transmit a copy of this Resolution to the Cuyahoga County Fiscal Officer.

Section 4. 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 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to comply with all state, county and local requirements concerning tax amounts and rates. Therefore, provided this Resolution 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.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 124
Page 4

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-124 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CERTIFICATE OF COPY
ORIGINAL ON FILE

State of Ohio)
) ss.
Cuyahoga County)

I, Aimee Pientka, Clerk of the Council of the City of Strongsville, within and for said County, and in whose custody of the files and records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution No. 2023-124 now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of September, 2023.

Aimee Pientka, Clerk of Council

Resolution No. 2023 – 124

COUNCIL OF THE CITY OF STRONGSVILLE
Cuyahoga County, Ohio

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted September 5, 2023

Aimee Pientka, Clerk of Council

Filed _____, 2023

County Fiscal Officer

By

Deputy

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 125

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM CITY OF STRONGSVILLE COUNCILMAN, JOSEPH C. DeMIO, AND HIS WIFE, MARIE DeMIO, TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the "Strongsville Town Center Enhancement & Walkability Initiative" to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, Joe DeMio was first elected to Strongsville City Council in 1995, and since then, has continuously served on City Council with loyalty on behalf of his constituents, both as President of Council and Councilman-at-large; and

WHEREAS, over the years, Joe and Marie have contributed their time and talents to various civic organizations within the City of Strongsville community; and

WHEREAS, Joe and Marie DeMio have most graciously donated a check in the amount of \$1,000.00 to be utilized by the City of Strongsville for the Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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

Section 1. That the Mayor and this Council hereby extend their gratitude and appreciation to Joe and Marie DeMio for their donation of \$1,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 125
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-125 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 126

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE KIWANIS CLUB OF STRONGSVILLE TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the “Strongsville Town Center Enhancement & Walkability Initiative” to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, by and through Resolution No. 2021-120, the Kiwanis Club of Strongsville had previously donated services and materials in order to maintain and improve the Castletown playground area, which is currently located in such Strongsville Town Center area near the Cuyahoga County Library; and

WHEREAS, in that regard, the Kiwanis Club of Strongsville has, again, most graciously offered to donate \$20,000.00 to be utilized by the City of Strongsville for the new Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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

Section 1. That the Mayor and this Council hereby extend their gratitude and appreciation to the Kiwanis Club of Strongsville for its donation of \$20,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 126
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-126 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 127

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM R. A. KALFAS CONSTRUCTION, INC., TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the "Strongsville Town Center Enhancement & Walkability Initiative" to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, R. A. Kalfas Construction, Inc. is a trusted family-owned and operated general contractor that has been based in the City of Strongsville for over 35 years; and

WHEREAS, R. A. Kalfas Construction, Inc. has most graciously donated a check in the amount of \$5,000.00 to be utilized by the City of Strongsville for the Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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

Section 1. That the Mayor and this Council hereby extend their gratitude and appreciation to R. A. Kalfas Construction, Inc. for its donation of \$5,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 127
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-127 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2023 – 128

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM GORDON GLISSMAN OF COUNTRYSIDE, INC. LANDSCAPE CONTRACTORS, TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the "Strongsville Town Center Enhancement & Walkability Initiative" to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, Gordon Glissman has been a Strongsville resident for many years and throughout that time has built a successful landscape contracting company known as Countryside, Inc.; and

WHEREAS, in addition, Mr. Glissman has contributed his time and resources to various civic organizations within the City of Strongsville community; and

WHEREAS, Mr. Glissman, on behalf of his company, has most graciously donated a check in the amount of \$2,000.00 to be utilized by the City of Strongsville for the Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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

Section 1. That the Mayor and this Council hereby extend their gratitude and appreciation to Gordon Glissman and Countryside, Inc. Landscape Contractors for the donation of \$2,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2023 – 128
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

RES
Ord. No. 2023-128 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 129

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A PURCHASE AGREEMENT FOR CERTAIN PROPERTY
LOCATED ON ROYALTON ROAD, AND DECLARING AN
EMERGENCY.**

WHEREAS, the City deems it to be in the best interest to purchase two parcels of property located at 19231 Royalton Road for municipal public purposes; and

WHEREAS, the City has had the subject property appraised, and the proposed purchase price does not exceed the appraised value.

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

Section 1. That this Council hereby authorizes the Mayor to enter into a Purchase Agreement for the acquisition of property located on Royalton Road, a copy of such Purchase Agreement is attached hereto as Exhibit "1," for property identified as PPNs 393-18-020 and 393-18-022.

Section 2. That upon receipt of a duly executed General Warranty Deed from **DOODLE BUTTON, LLC**, conveying said property to the City and evidence of title satisfactory to the Law Director, the Clerk of Council is hereby directed to cause the said General Warranty Deed to be recorded with the Cuyahoga County Fiscal Officer.

Section 3. That the Mayor and Director of Finance are hereby further authorized and directed to take any and all other necessary steps, to execute on behalf of the City any and all other documents necessary to effectuate and finalize the purchase, and to carry out all terms and conditions of the Purchase Agreement.

Section 4. That the Director of Finance be and is hereby authorized and directed to pay to the Escrow Agent the amount required in Exhibit "1."

Section 5. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Capital Improvement Fund.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 129
Page 2

welfare of the City, and for the further reason that it is immediately necessary to enter into an agreement for the purchase of such property in order to further economic development and improve lots and lands in the City. Therefore, provided this Ordinance receives the unanimous affirmative vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

Ord. No. 2023-129 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

PURCHASE AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2023, by and between the **DOODLE BUTTON, LLC**, hereinafter referred to as "Seller" and the **CITY OF STRONGSVILLE**, hereinafter referred to as "Buyer."

WHEREAS, Seller is the fee owner of real property located at 19231 Royalton Road, Strongsville and an adjoining undeveloped parcel located in the City of Strongsville, County of Cuyahoga, State of Ohio, known as Permanent Parcel Nos. 393-18-020 & 393-18-022, which are further described in Exhibit "A" attached hereto and incorporated herein, together with all improvements thereon collectively, and together with all appurtenances, the "Property."

WITNESSETH THAT:

1. PREMISES: Seller agrees to sell and convey the Property to Buyer and Buyer agrees to purchase the Property from Seller, for the purchase price and upon the terms and conditions hereafter set forth.

2. CONDITION OF PROPERTY: This Property is being purchased in its present physical condition "as-is." Buyer has not relied upon any representations, warranties or statements about the Property, including but not limited to, its condition or use, except for those which are expressly set forth in this Agreement. Buyer acknowledges it has not relied on any representations or statements concerning the condition or value of the Property, the use that can be made of the Property or the zoning ordinances applicable to it, or anything concerning the same, other than those statements and representations which are expressly set forth in this Agreement.

3. EXCLUDED IN THE SALE: Seller shall have the right to retain and remove any and all appliances, and the hot water tank, now located on the Property and used in connection therewith. Anything removed shall be at Seller's sole cost and the removal of the items must be completed on or before December 31, 2023.

4. STORAGE AND USE OF PROPERTY AFTER CLOSING: Seller shall have the right to store any and all personal property, now located on the Property inside the building, and its Managing Member may stay on the Property up to and no later than December 31, 2023. In the event that the Seller continues to store any personal property or its Managing Member stays on the Property after the Closing Date, then Seller shall be responsible for and reimburse the City for any and all utilities and real estate taxes for the Property. Furthermore, Seller shall maintain liability insurance on the Property during the time that it continues to store personal property on the Property, or that the Managing Member stays on the Property, and name the Buyer as an additional insured.

Said obligation to pay the utilities and taxes, and to maintain liability insurance, shall continue during the time that the Seller continues to store any personal property on the Property and/or the Managing Member stays on the Property. Seller shall inform Buyer when Seller is no longer storing its personal property on the Property and/or the Managing Member is staying on the Property. On the date that the Seller removes any and all personal property from the Property and the Managing Member vacates the Property, then the Buyer shall be responsible for any and all utilities and taxes for the Property thereafter.

5. PURCHASE PRICE AND PAYMENT: The total purchase price shall be Two Hundred Eighty-Five Thousand Dollars (\$285,000.00), payable at Closing, in cash, or immediately available and collected funds.

6. REAL ESTATE TAXES: Real estate taxes and assessments shall be prorated in escrow, as of the date of Closing. All utilities and sewage charges shall be prorated as of the date of Closing by the parties outside of escrow. Seller to pay all the above said costs and charges attributable to its ownership period and Buyer to pay said costs and charges thereafter except as otherwise set out in Item 4.

7. PLANS, SURVEYS, and ASSESSMENTS: Seller agrees to provide to the Buyer, at no cost to the Buyer, immediately, but not later than ten (10) days after execution of this Agreement, any physical or topographic surveys, development information, soil boring or groundwater data, environmental assessments and other agreements affecting the Property, as well as any other records relating to the Property in the possession of the Seller.

8. WARRANTIES; REPRESENTATIONS: Seller warrants and represents the following:

(a) That it is a limited liability company registered and authorized to do business in the State of Ohio and that its sole member is Douglas Hatlovic who is also the Managing Member;

(b) That, as the sole and Managing Member, Douglas Hatlovic has all necessary authority to execute this Purchase Agreement and sign the deed and any and all other documents required to carry out this Agreement and transfer the Property to the Buyer;

(c) There are no other contracts for sale or options involving the Property;

(d) That no other party has any right, title or interest in the Property, except as set out in the following Section (e);

(e) That other than the existing lease for the building at 19231 Royalton Road, Strongsville, Ohio, there are no other oral or written leases affecting or relating to the Property. Seller further warrants and represents that the existing lease for the building at 19231 Royalton Road, Strongsville, Ohio shall be terminated prior to the Closing date. Seller shall notify Buyer when the Tenant has left the premises and removed all of the Tenant's property; and

(f) That the Property is not located in a flood plain, nor encumbered by any wetlands; and there are no underground tanks or wells on the Property; and

(g) That between the date the Seller executes this Agreement and the closing date, the Seller shall not subject the Property to or consent to any leases, liens, encumbrances,

covenants, conditions, restrictions, easements, rights of way, or agreements, or take any other action affecting or modifying the status of title or otherwise affecting the Property, without the written consent of the Buyer.

9. ADVERSE FACTS: The Seller knows of no materially adverse fact, affecting or threatening to affect the Property which has not been disclosed to the Buyer in writing. Between the date the Seller executes this Agreement and the Closing date, the Seller will notify the City in writing of any events which occur or any facts of which it becomes aware which would make any of its representations or warranties false or misleading. Except as otherwise permitted by the Buyer in writing, in its sole discretion, each of the warranties or representations made in this Agreement by the Seller shall be true and correct as of the Closing date.

10. CLOSING; ESCROW: Closing and delivery of possession shall be on or before **September 29, 2023**, or as soon thereafter as practicable, allowing a reasonable time for approval by City Council, preparation and approval of documents and correction of defects reported as a result of a title examination, survey or inspections of the Premises. Closing shall be held at the offices of the Escrow Agent, or at such other place as the parties may agree.

The Seller agrees to deliver to Buyer or Escrow Agent the following at or prior to Closing:

- (a) A General Warranty Deed, fully executed by the Seller, conveying the Property in fee simple to the Buyer, in a form satisfactory to the Buyer;
- (b) Any Deeds of Easement or Easement Documents;
- (c) A signed closing or settlement statement prepared or approved by Escrow Agent; and
- (d) Any other documents reasonably required by Escrow Agent.

11. TITLE EVIDENCE AND DEFECTS:

(a) On the Closing date, Buyer shall receive an ALTA Owner's Policy of Title Insurance, in currently utilized Form (amended) (the "Title Policy") in the amount of \$285,000.00,

showing fee simple title to the Premises to be in Buyer's name, subject only to those title exceptions permitted in accordance with this Agreement, including but not limited to the recorded easements, assessments, covenants and deed restrictions, with the so-called "printed" or "standard" exceptions deleted to the extent possible. The Title Policy shall be issued by the Escrow Agent or such other nationally recognized title company as shall be acceptable to Buyer (the "Title Company"). The Title Policy shall also affirmatively insure: (i) Buyer's right to use any appurtenant easements; (ii) that the Property will have the benefit of direct ingress and egress, both pedestrian and vehicular, to and from a public highway; and (iii) such other matters as Buyer may reasonably require to address material matters disclosed in the Title Commitment.

(b) Upon execution of this Agreement, Buyer shall order from the Escrow Agent a commitment for the Title Policy (the "Title Commitment") and cause the same (with legible copies of all exceptions attached thereto) to be delivered to each party hereto no later than fifteen (15) days thereafter. The Title Commitment shall be updated and endorsed to include all liens, claims, encumbrances, easements, rights-of-way, encroachments, reservations, restrictions and any other matters affecting the Property, which shall commit to delete the standard printed exceptions and creditors rights' exclusion, and any matters disclosed by the Survey. Within fifteen (15) days after receipt of both the Commitment and the Survey, Buyer shall serve upon Seller a notice specifying those exceptions to title, if any, that materially interfere with the use of the Property for Buyer's intended use (the "Title Defects"). Buyer acknowledges that, for purposes of this section, real estate taxes and assessments, both general and special, that are not yet due and payable, the recorded easements, covenants and deed restrictions acceptable to the Buyer, and zoning ordinances do not constitute Title Defects. Any exceptions appearing after issuance of the Title Commitment and/or Survey shall also be deemed Title Defects unless approved in writing by Buyer.

(c) Upon receipt by Seller of Buyer's notice of Title Defects, if any, Seller shall immediately and diligently pursue the removal of the Title Defects. Seller shall have fifteen (15) days after receipt of notice in which to cure such Title Defects (or, if the Title Defects are not readily curable within said fifteen (15) day period, then Seller may have such additional time as Buyer may permit in writing, in which case, the Closing Date shall, at Buyer's option, be extended accordingly) (said fifteen (15) day period, as the same may be extended, being hereinafter referred to as the ("Cure Period")). If some or all of the Title Defects can only reasonably be cured at Closing, then Seller may agree in writing to cure such Title Defects at Closing, subject to Buyer's reasonable consent. Should Seller fail to cure the Title Defects within the Cure Period, Seller shall notify Buyer of such fact prior to the expiration of the Cure Period, and Buyer shall have the option to: (i) accept the Property subject to the Title Defects, or (ii) declare this Agreement to be null and void and of no further force or effect, except to the extent a party is in breach of this Agreement and Buyer and Seller shall each be relieved of all further liability hereunder, and except that the parties shall equally share all title and escrow costs incurred to date. If Buyer elects not to terminate this Agreement as provided above, then Seller shall cause the Title Company to update the Title Commitment prior to the Closing Date.

12. ESCROW AGENT:

(a) The escrow agent for this transaction shall be Maximum Title & Escrow Services, Inc. (the "Escrow Agent").

(b) The Closing of this transaction described in this Agreement shall be conducted in escrow, and this Agreement shall serve as escrow instructions for that purpose. The Escrow Agent may incorporate its standard conditions of acceptance, to the extent that they are not inconsistent with the terms of this Agreement. Seller shall deposit the executed general warranty deed and such other documents as the Escrow Agent may reasonably require, to complete the closing with the Escrow Agent. Buyer shall concurrently deposit the Purchase Price with the

Escrow Agent in collected and immediately available funds, and with such other documents as the Escrow Agent may reasonably require to complete the closing. At closing, the Escrow Agent shall record the general warranty deed, shall issue the Title Policy and shall disburse the Purchase Price to Seller (net of all closing expenses and prorations as calculated pursuant to this Agreement). The Escrow Agent shall charge the parties with costs and expenses as follows: (1) Seller shall be responsible for the costs of recording the general warranty deed, and for one-half of all escrow costs, including title examination and title insurance, and (2) Buyer shall be responsible for one-half of all escrow costs, including title examination and title insurance. Since the transfer is to a municipal corporation, there is no conveyance fee required to be paid by the Seller.

13. INSPECTIONS:

(a) Seller shall give to Buyer and its designated agents and representatives full access to the Property during normal business hours throughout the Buyer Study Period as defined in Paragraph 13 (b), including the right, at Buyer's own risk, to cause its agents or representatives to enter upon the Property for the purpose of (i) making physical and topographic surveys; and (ii) conducting such tests, investigations and studies as Buyer may desire, including, but not limited to, those related to engineering, water, groundwater, sanitary and storm sewer, utilities and environmental matters, as well as soil borings. In the event the Property is not transferred to the Buyer, Buyer shall, at its expense, restore the Property to its prior condition to the extent of any changes made by its agents or representatives. The Seller shall furnish to Buyer during the Buyer Study Period all information concerning the Property which the Buyer may reasonably request and which is in the possession of the Seller.

(b) Buyer shall have fifteen (15) days from the full execution of this Agreement, ("Buyer Study Period"), to complete the studies described in Paragraph 13(a) and to determine in its sole discretion that the condition of the Property is satisfactory for the intended use of the Buyer. In the event that the Buyer is not so satisfied for any reason whatsoever at any time prior to the

expiration of the Buyer Study Period, Buyer shall advise the Seller in writing of its intention not to proceed to Closing under the terms of this Agreement, and in such event, this Agreement shall automatically be terminated, and no party shall have any liability hereunder other than dividing on an equal basis any Title Company costs incurred to date.

14. ENVIRONMENTAL MATTERS: Seller warrants and represents that to the best of Seller's knowledge, information and belief, there have never been, nor are there now, any underground storage tanks on the Property; nor has there been any activity on the Property which has been conducted or is being conducted, except in compliance with all statutes, ordinances, regulations, orders, permits and common law requirements concerning (a) handling of any toxic or hazardous substances, (b) discharges of toxic or hazardous substances to the air, soil, surface water or groundwater, and (c) storage, treatment or disposal of any toxic or hazardous substances at or connected with any activity on the Property; nor is there any contamination present on or in the Property; nor is there any of the following present on or in the Property: (i) polychlorinated biphenyls or substances containing polychlorinated biphenyls; (ii) asbestos or materials containing asbestos; (iii) urea formaldehyde or materials containing urea formaldehyde; (iv) lead or lead-containing paint; or (v) radon. The term "contamination" shall mean the unconfined presence of toxic or hazardous substances on or in the Property or arising from the Property, which may require remediation under any applicable law. For purposes of this Agreement, "hazardous substance(s)" shall have the meaning of "hazardous substance" set forth in 42 U.S.C. §9601(14), as amended, and of "regulated substance" at 42 U.S.C. §6991(2), as amended, and of any other substances which may be the subject of liability pursuant to any environmental law of the United States or the State of Ohio.

15. CONTINGENCIES: This Agreement is contingent upon the following: Approval of this Agreement by City Council and all required City of Strongsville officials pursuant to law.

16. BROKERAGE: Both parties warrant and represent that they have not dealt with any realtor, broker, consultant, or like agent who might be entitled to any compensation in connection with the transaction contemplated hereby.

17. DELIVERY OF DOCUMENTS: After closing, the Escrow Agent shall deliver to Seller its escrow statement, and shall deliver to Buyer its escrow statement, along with the Title policy and the recorded General Warranty Deed.

18. ENTIRE AGREEMENT AND MODIFICATIONS: This Agreement, including all exhibits attached hereto and hereby incorporated herein by reference, contains all of the terms and conditions agreed upon by the parties hereto, there being no oral conditions representations, warranties or agreements. Any subsequent conditions, representations, warranties or agreements shall not be valid and binding upon the parties unless in writing and signed by both parties.

19. ASSIGNMENT: Seller shall not assign or hypothecate this Agreement, in whole or in part, nor mortgage, transfer or convey the property to anyone except Buyer. Buyer shall not assign this Agreement, in whole or in part, nor lease the property or any part thereof without Seller's prior written consent, which shall not be unreasonably withheld.

20. HEADINGS: The headings of the paragraphs of this Agreement are for convenience only and shall not affect the meaning or construction of the contents of this Agreement.

21. SUCCESSORS AND ASSIGNS: This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, administrators, executors, successors and assigns.

22. GOVERNING LAW: This Agreement shall be governed by and interpreted under and construed in accordance with the laws of the State of Ohio.

23. MULTIPLE COPIES: This Agreement shall be executed in duplicate, each of which shall be an original of this Agreement, but all of which taken together shall constitute one and the same.

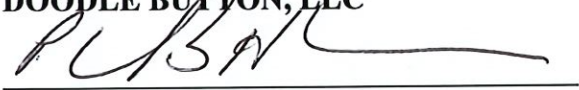
IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first above written.

WITNESSES:

Nancy M. Sikorski
Colleen Healey

SELLER:

DOODLE BUTTON, LLC



By: Douglas Hatlovic, Sole and
Managing Member

BUYER:

CITY OF STRONGSVILLE

By: Thomas P. Perciak, Mayor

EXHIBIT A

LEGAL DESCRIPTION

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being a part of Original Strongsville Township Lot Nos. 55 and 56 and bounded and described as follows: Beginning in the Southeasterly line of Royalton Road, 60 feet wide, at a point Southwesterly, measured along said Southeasterly line, 240 feet from the Northwesterly corner of land conveyed to C.R. Fish by deed recorded in Volume 4355, Page 562 of Cuyahoga County Records; thence Southwesterly along said Southeasterly line of Royalton Road, 160 feet; thence Southeasterly at an included angle of 90 degrees, 250 feet to a point; thence Northeasterly along a line parallel with the Southeasterly line of Royalton Road, 160 feet to a point; thence Northwesterly at an included angle of 90 degrees, 250 feet along the Southwesterly line of land conveyed to Don T. and C.S. Bourne by deed recorded in Volume 6414, Page 17 of Cuyahoga County Records to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting therefrom that parcel of land conveyed to The State of Ohio by deed dated April 22, 1994 and recorded May 3, 1994, in Volume 94-0432, Page 33 of Cuyahoga County Records, and described as follows: Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and in Original Lot 55, Town 5 North, Range 14 West, and bounded and described as follows:

Parcel No. 22WP

Being a parcel of land lying on the Southerly side of Royalton Road (S.R. 82) of the center line of a survey, made for the Department of Transportation, and recorded in Book _____, Page _____, of Cuyahoga County and being located within the following described points in the boundary thereof:

Beginning at an iron pin in the center line of S.R. 82 at the Southwesterly corner of Original Lot 55, said iron pin being at Station S + 50.48; thence North 65° 52' 42" East, along the center line of S.R. 82, a distance of 513.88 feet to a point, said point being at Station 10 + 64.36 feet; thence South 24° 07' 18" East, along a line perpendicular to the center line of S.R. 82, a distance of 30.00 feet to the Grantor's existing Northwesterly property corner and the True Place of Beginning; thence North 65° 52' 42" East, along the existing Southerly right-of-way line, a distance of 160.00 feet; thence South 24° 07' 18" East, along the Grantor's Easterly property line, distance of 10.00 feet; thence South 55° 52' 42" West, along a line parallel the center line of S.R. 82, a distance of 160.00 feet; thence North 24° 07' 18" West along the Grantor's Westerly property line, a distance of 10.00 feet to the True Place of Beginning and containing 800 square feet of land in each of two Auditor's Parcels for a total of 1600 square feet of land. The above-described area is part of Auditor's Parcel Nos. 393-18-020 & 393-18-022.

Permanent Parcel Nos. 393-18-020 & 393-18-022

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 130

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PROSPECT ROAD STORM SEWER IMPROVEMENTS PROJECT FROM ALBION ROAD TO FAIR ROAD, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, by and through Resolution No. 2023-107, the City advertised and received bids for the Prospect Road Storm Sewer Improvements Project from Albion Road to Fair Road; and

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

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 **DIGIOIA-SUBURBAN EXCAVATING, LLC**, for the Prospect Road Storm Sewer Improvements Project from Albion Road to Fair Road, 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 informalities or minor defects in the bidding process are hereby waived. All other bids for this project 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 \$3,607,488.50 for the Prospect Road Storm Sewer Improvements Project from Albion Road to Fair Road, 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 General Capital Improvement 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 render the City's storm sewer system more efficient, improve properties within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2023 – 130
Page 2

President of Council

Date Passed: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Approved: _____
Mayor

Date Approved: _____

Attest: _____
Clerk of Council

Ord. No. 2023-130 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____