

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON JULY 7, 2014.**

The Council of the City of Strongsville met in the Caucus Room at the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, on **Monday, July 7, 2014 at 7:30 p.m.**

Present: Council Members: Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, J. Scott Maloney, Matt Schonhut, and Duke Southworth. Also Present: Clerk of Council Aimee Pientka. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Joseph Dubovec, Economic Development Director Brent Painter, Service Director Joseph M. Walker, Communications and Technology Director John Bedford, Assistant Building Commissioner Keith Foulkes, City Engineer Ken Mikula, Human Resources Director Steve Kilo, Recreation and Senior Services Director Bryan V. Bogre, Fire Chief Jeff Branic, Police Chief James Kobak and Public Safety Director Charles Goss.

Absent: Council Member James E. Carbone.

Council President Daymut called the caucus to order at 7:30 p.m.

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

Recreation and Community Services Committee: Chairman Southworth recommended Ordinance 2014-127, establishing new annual membership fees and payment procedures for the Walter F. Ehrnfelt Recreation Center, be placed on second reading. Mr. Southworth recommended suspension and adoption for Ordinance No. 2014-129, to sell obsolete work out equipment no longer needed by the recreation department.

Planning, Zoning and Engineering:

***\*Motion was made by Chairman Maloney, seconded by Mr. DeMio to approve the Planning, Zoning and Engineering Committee Meeting minutes of June 16, 2014. All members present voted aye and the motion carried.\****

Chairman Maloney recommended adoption for Ordinance No. 2014-130, pertaining to easements on property located at 11062 Prospect Road in connection with the Albion and Prospect Roads Intersection Improvements Project. Suspension and adoption was also recommended for Ordinance No. 2014-131, authorizing and directing the Mayor to approve change order no. 3 for an increase in the contract price with Fabrizi Trucking and Paving Company in connection with the Pearl Road Widening Project, Phase II. The amount of the change order is \$45,701.00. Lastly, Ordinance 2014-132 is amending section 1240.08(c)(2), and subsections of 1258.03, 1258.05, 1258.11, 1258.13 and 1258.14 of Chapter Twelve of the Codified Ordinances. This pertains to automotive use in general business and motorist service districts. This will be placed on first reading and referred to the Planning Commission for review.

Discussion ensued pertaining to the Pearl Road Widening Project. Mayor Perciak commented on the retention basin that was discovered underground. He also mentioned that Pearl Road by the top of the hill (near Boston Road) is completed. They are hoping to move traffic next week to the other side of the roadway. All the underground work is done; now it is just a matter of pouring concrete and moving earth. Mr. Kraus confirmed all the easements of properties have been settled. Mr. Mikula stated this current change order is for an unknown headwall that was buried on the main culvert and had to be removed (\$19,000.00 cost), and also to paint the traffic poles black (\$9,000.00 cost).

Mr. DeMio commented that people are now putting their debris on their tree lawns whereas before they used to dump this debris in their culverts and drains.

Mayor Perciak wanted to note that bids were opened up today for Lunn Road and Drake Road. The lowest bidder was Karvo Paving at \$925,000.00-\$927,000.00, which was lower than the city's estimate of \$1.1 million. Mayor Perciak is hoping to get the Lunn Road project completed before school starts. Mr. DeMio asked what would happen if not completed by then. Mayor Perciak stated that work would be started after the kids are in school for the day in order to avoid traffic complications.

Mr. DeMio also questioned the metal plate in the roadway on Pearl Road in front of Center Middle School. Mr. Walker stated that area would be repaired sometime this week.

Finance Committee: Chairman Dooner recommended suspension and adoption for Ordinance 2014-133, an appropriations and expenditures ordinance for 2014. Resolution 2014-134 pertains to property nuisance abatements for levy and collection. This was placed on first reading.

Public Service and Conservation Committee: Mr. Daymut recommended suspension and adoption for Ordinance 2014-135, purchasing four 2015 Ford F-550 trucks for use by the Service Department. Resolution 2014-136 is authorizing the Mayor to advertise for bids for the purchase of up to two tandem axle cab and chassis units for use by the Service Department. Since this resolution was drafted, the city has been able to go through a State term contract for these. Therefore, the recommendation was to suspend and defeat this resolution. Mr. Kraus stated new legislation for this will be brought forth at the next council meeting. Mr. Daymut also noted the two motions that will be made on the floor of council pertaining to designations for wishes of interments in the Strongsville Municipal Cemetery.

Economic Development Committee: Chairman Daymut stated he will give a summary of his June 23<sup>rd</sup> meeting on the floor. His next meeting is scheduled for July 28th.

Committee of the Whole: Mr. Daymut recommended suspension and adoption for Resolution 2014-137, declaring August as recess month for Council.

Mayor Perciak asked Safety Director Charles Goss to update everyone on the Homecoming parade. Mr. Goss stated they have about a hundred entries for the parade. This year for the first time there will be a float contest. There will be a crowd favorite program to elect the best floats and prizes will be awarded as well. Safety will be emphasized and Marshalls will be on hand to go over the rules.

## **MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON JULY 7, 2014 IN THE MIKE KALINICH SR. CITY COUNCIL CHAMBERS.**

### **CALL TO ORDER:**

Council President Daymut called the meeting to order at 8:00 p.m. All joined in the Pledge of Allegiance to the Flag.

### **CERTIFICATION OF POSTING:**

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

**ROLL CALL:**

**Present: Council Members:** Matt Schonhut, Joseph C. DeMio, Duke Southworth, Michael J. Daymut, Kenneth M. Dooner and J. Scott Maloney. Also Present: Clerk of Council Aimee Pientka.  
**Administration:** Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Joseph Dubovec, Economic Development Director Brent Painter, Service Director Joseph M. Walker, Human Resource Director Steve Kilo, Communications and Technology Director John Bedford, Assistant Building Commissioner Keith Foulkes, City Engineer Ken Mikula, Recreation and Senior Services Director Bryan V. Bogre, Police Chief James Kobak, Public Safety Director Charles Goss and Fire Chief Jeff Branic.

**Absent: Council Member:** James E. Carbone.

***\*Motion made by Mr. Dooner, seconded by Mr. DeMio to excuse Councilman Carbone for just cause. All members present voted aye and the motion carried.\****

**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting held on June 16, 2014 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

(None)

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:** Thank you Mr. Daymut, last meeting I did say how Southwest Hospital was recognized as one of the best places to work; but I just found out that they have made that designation all five years. So, they are one of only sixteen employees in Northeast Ohio that have gotten that designation every year that The Plain Dealer has done it. That is a very good testament. Good employees equals good healthcare. The other item is that they are ahead of budget, which is always good no matter what field you are in. That is all that I have, if there are any questions, I'd be more than willing to answer them.

Mr. Daymut – Are there any questions for Mr. Southworth this evening?

(None)

**SCHOOL BOARD – Mr. Carbone:**

Mr. Daymut – Mr. Carbone is absent. There will be no report since he is our representative. He will give that report at our next meeting.

**BUILDING AND UTILITIES – Mr. Schonhut:** Thank you Mr. Daymut, Building and Utilities as well as Communications and Technology both have no ordinances or resolutions on the agenda tonight, but I will take any questions for either committee.

Mr. Daymut – Thank you Mr. Schonhut, any questions for Mr. Schonhut under Building and Utilities or Communications and Technology?

(None)

**REPORTS OF COUNCIL COMMITTEES (cont'd):**

**COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:**

\*See Building and Utilities Above\*

**ECONOMIC DEVELOPMENT – Mr. Daymut:** We have no ordinances or resolutions on this evening's agenda. I will give a brief report on our meeting of Monday, June 23<sup>rd</sup>. Our next business network breakfast meeting will be September 18<sup>th</sup>. The sponsor will be Cuyahoga Community College Western Campus. The speaker will be Cuyahoga Community College. We're accepting nominations now for the Innovation Awards which will be presented at that particular breakfast meeting. We received a tech committee report from Ed Oliveros. We did also review the Town Center study and the Northeast Ohio Area Wide Coordinating Agency grant that we have applied for. We also touched on Building One, a meeting that was held here in the City of Strongsville, thanks to Mayor Perciak here, about bringing the communities together for the benefit of all. Our business expo will be November 6, 2014 at the recreation center. We received a Strongsville business update at that particular meeting. That's all I have under economic development, are there any questions for myself?

(None)

Mr. Daymut – Our next meeting I might mention is July 28<sup>th</sup>, but that is prone to change right now. If there is going to be a meeting, it will be posted on our website. If there is not, we'll try and get that information out to everyone in the public at the next meeting.

**FINANCE - Mr. Dooner:** Thank you, Mr. Daymut. We have Ordinance No. 2014-133. This is an ordinance making appropriations for annual expenses and other expenditures for the City of Strongsville. The recommendation is suspension and adoption. Then we also have Resolution No. 2014-134. This is for the City to certify to the Fiscal Officer of Cuyahoga County unpaid property maintenance nuisance abatements for levy and collection. We're going to place this on first reading. That's all I have Mr. Daymut.

Mr. Daymut – Thank you Mr. Dooner, any questions for Mr. Dooner this evening?

(None)

**PLANNING, ZONING AND ENGINEERING – Mr. Maloney:** Thank you, Mr. Daymut. We have a few items appearing before Council. The first is Ordinance 2014-130 to appropriate a fee simple interest and temporary construction easements on property on Prospect Road. This is related to the upcoming Albion and Prospect Roads Intersection Improvement Project. The recommendation is to suspend and adopt on that item. The second item is Ordinance 2014-131. This is to authorize and direct the Mayor to issue and improve change order no. 3 for a further increase in the contract price in the contract between the City and Fabrizi Trucking and Paving Co. This is tied with the Pearl Road Widening Project. This latest increase is \$45,701.00. The recommendation is to suspend and adopt on that. The third item is Ordinance 2014-132. This is to amend section 1240.08 and subsections of 1258 of Title Six of Part Twelve of Planning and Zoning Code. This is regarding automotive uses in general business districts and motorist service districts. We'll place this on first reading and refer back to Planning Commission for their review before it comes back to Council. That concludes the items I had this evening. I will be happy to take questions.

Mr. Daymut – Thank you Mr. Maloney, any questions for Mr. Maloney this evening?

(None)

**REPORTS OF COUNCIL COMMITTEES (cont'd):**

**PUBLIC SAFETY AND HEALTH – Mr. DeMio:** Thank you Mr. Daymut. There were no ordinances or resolutions before this committee; although we did talk about a few items that had to do with public safety such as what's going on in front of Center Middle School with the safety of the street. I know that the Mayor at the appropriate time will talk a little bit more about the parade and the safety that goes along with that. Charlie Goss mentioned a few things to us in the back as well. I just want to say for the record that this Council has been updated on those very important issues as well as if everything works out with the Lunn Road project...Mayor, that he would consider if it goes into the school year to try and work around the children/students getting in before the start of construction each day, which is huge for some of us who still drop off our kids or are driving now. I know that Jane Ludwig is here and she's shaking her head with thumbs up in her mind. I know her so well because it seems like even though we live across the street from each other, our daughters were about the same time every day trying to run to school. Mayor, as a parent thank you for that; that makes the teenage parent thing go a little smoother when we don't have any headaches. I appreciate it. I don't have anything else for Public Safety Mike, unless someone else has any additions or would like to have any questions of the safety forces at all.

Mr. Daymut – Thank you Mr. DeMio, any questions for Mr. DeMio this evening?

(None)

**PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:**

Mr. Daymut – In Mr. Carbone's absence I will give the report in his committee. He has Ordinance No. 2014-135 and that received a favorable recommendation. This is to purchase four 2015 Ford trucks for dump salt spreaders and snow plows. Also, he has Resolution No. 2014-136. This is to advertise for bids for two tandem axle cab and chassis units. Recently, we have gathered some other information so they'll be another ordinance forthcoming on that at the next meeting. That did receive an unfavorable recommendation this evening. Also under his committee we have two motions this evening:

***\*Motion by Mr. Daymut, seconded by Mr. DeMio to note and approve the owner's designation of wishes for interments in Strongsville Municipal Cemetery, Section C, Lot# 182, Graves D, F, & H; and Lot# 183, Graves A, B, C, D & F.\****

***All members present voted aye and the motion carried.***

***\*Motion by Mr. Daymut, seconded by Mr. DeMio to note and approve the owner's designation of wishes for interments in Strongsville Municipal Cemetery, Section E, Lot# 31, Graves B & F.\****

***All members present voted aye and the motion carried.***

Mr. Daymut – That's all I have under this committee, any questions for myself this evening?

(None)

**REPORTS OF COUNCIL COMMITTEES (cont'd):**

**RECREATION AND COMMUNITY SERVICES – Mr. Southworth:** Thank you Mr. Daymut, member Jim Carbone is just calling me. If you heard my phone ring that was Jim calling. God knows what he wants. I've got two ordinances on this evening's agenda; Ordinance No. 2014-127 which is raising the fees at the recreation center. We're placing this on second reading. Then we also have Ordinance 2014-129 which is selling obsolete gym equipment. The recommendation on that is suspend and adopt. I don't normally do this, but I want to bring attention to a benefit that is going on Sunday. Kelly Kinney is a twelve year old at Muraski who has osteosarcoma. The parents are trying to get experimental treatment for her. So there is a benefit, I think it is \$35.00 per person, 4:00 p.m. at Michauds. I believe we can buy...are they selling the tickets at the recreation center? Is that what I heard?

Mr. Bogre – unintelligible

Mr. Southworth – The Spirit Shop. I heard the Spirit Shop, but there's also a website available. So I just wanted to bring attention to that. That is all that I have for this evening.

Mr. Daymut – Thank you Mr. Schonhut, we'll keep her in our prayers. Any questions for Mr. Schonhut this evening?

(None)

Mr. Southworth – Or me...

Mr. Daymut – Southworth...

Mr. Southworth - He can take the questions.

Mr. DeMio – Mike, this is what happens when Jim Carbone starts calling.

Mr. Daymut – I'm thinking why is Jim calling? Is he going to vote by proxy or what?

Mr. Southworth – He's not on vacation, he's home watching this on TV.

Mr. Daymut – Except my apologies, you threw me completely off.

**COMMITTEE OF THE WHOLE – Mr. Daymut:** We have Resolution No. 2014-137 that received a unanimous support of Council and a favorable recommendation for declaring the month of August recess for Council. Any questions for myself under Committee of the Whole?

(None)

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

**Mayor Perciak:** Mr. President, thank you and good evening everyone. Just a quick reminder next week is homecoming week here in Strongsville. On Wednesday we'll kick off the homecoming that is on July 16th at our usual time at 6:30 p.m. We'll begin at Progress Drive and work our way up south on Pearl Road onto the commons. Come for the parade and witness the opening of our annual homecoming on the commons. A little something different on Saturday evening at 10:00 p.m.; for the first time ever we are going to conclude our homecoming with a fireworks display on the commons. I want to thank all of our safety, first of all our safety officials-Chief Branich and Chief Kobak and my Safety Director Charles Goss for helping arrange all this so that we could make certain that we can get the fireworks off on the commons for the conclusion of the homecoming. I want to thank all the business men and women and all those who have supported the fireworks display on the Fourth of July and also for the conclusion of the homecoming on the commons. Without their help we could not have done that, so I'd like to thank all of our safety forces for their cooperation because without them and their ingenuity and safety we could not get that put together here on the commons. I also would like to thank all of our many sponsors who really stepped up to the plate twice this year for fireworks displays. Thank you to all and I'll see you at the homecoming and see you at the parade. That ends my report Mr. President.

Mr. Daymut – Thank you Mayor, are there any questions for the Mayor Perciak this evening?

(None)

**FINANCE DEPARTMENT – Mr. Dubovec:** Thank you Mr. Daymut, I will merely state that funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funding. That's all I have, thank you.

Mr. Daymut – Thank you Mr. Dubovec, any questions for Mr. Dubovec this evening?

(None)

**LAW DEPARTMENT – Mr. Kraus:** Yes Mr. President, just a couple items. We have withdrawn through the Clerk's office a prior conditional objection to a liquor permit transfer for 13339 Pearl Rd., Janet Yates. I would also like to report that the City along with a number of other communities has filed a brief in the Ohio Supreme Court in connection with the continuing litigation concerning the legality and constitutionality of the Sewer District's storm water program and proposed fee that this City through the Council and Mayor along with a number of other communities has been contesting since January of 2010. The litigation continues. A brief was also filed by a number of property owners through their legal counsel; and what we call a "Friend of the Court brief" or an *Amicus Curiae* brief was filed by an independent organization that believes that the imposition of the fee is an illegal, un-voted tax, as we do. So that litigation continues. I would also like to report that all ordinances and resolutions before City Council this evening are in proper legal form, thank you.

Mr. Daymut – Thank you, Mr. Kraus, any questions for Mr. Kraus this evening?

(None)

**AUDIENCE PARTICIPATION:**

Mr. Daymut – We've reached that portion of our agenda for audience participation. Members of the audience's comments will be limited to five minutes. We do have a sign-in sheet. Bob Chernosky, am I correct? Please step to the podium and state your name and address for the record.

Bob Chernosky, 22419 Rock Creek Circle , Strongsville, OH – Bob Chernosky, 22419 Rock Creek Circle. Thank you Mr. Daymut, thank you Mr. Mayor and Council for this time. Someday I hope to be able to come to one of these meetings and talk about all the good things that are going on in Strongsville, and we know that there are very, very many. We do appreciate living in this city. Unfortunately, I'm here once again to talk about the flooding issue on Rock Creek Circle. As you know, May 12<sup>th</sup>-and first of all, I want to thank you Mr. Mayor and several of the engineers for coming to our house on May 13<sup>th</sup> I guess it was, and bringing FEMA representatives to our house and to our neighbor's houses. They saw firsthand what happened on May 12<sup>th</sup>. On May 12<sup>th</sup>, as you know a couple of months ago, our house came within literally one inch of our whole house being flooded again. We have no basements on Rock Creek Circle, so when we flood the water comes into the house. Mr. Carbone is not here as you all know. He was at our house also the night of the flood, May 12<sup>th</sup>... almost a flood May 12<sup>th</sup>. He saw firsthand about 10:30 p.m. how close it came and I think he participated with us on sending some prayers; and for some reason the water started to recede at the right time. Rock Creek Circle's problems are not sewer related-sewer backup related. Rock Creek Circle's problems are simply...not simply...wrong word. It's a matter of the culvert on Pebblebrook not being adequate to accommodate the discharge of the various basins, the discharge into that culvert in a heavy rainstorm. It just can't handle it. Two years ago, major improvements were made to that culvert. I don't know, but I was told it was somewhere around \$250,000.00 in improvement. There's no doubt that improvement helped because if not we would have be flooded out May 12<sup>th</sup>. Even two weeks ago we were very close. Since May 12<sup>th</sup> however, since your visit Mr. Mayor and others we've heard nothing about what FEMA said or what possibly they would be able to do financially or if they had any suggestions. I did send a couple of emails through several of you and I didn't receive any response to the emails. I hope I didn't offend anybody but...so, we're in the dark. It is kind of a hopeless feeling every time it rains. I'm speaking not for myself but for my neighbors as well-every time it rains we get this hopeless feeling. As you know, last year just for our house alone, our damage for our house exceeded \$43,000.00. Three years before that there was another cost. I am convinced with my non-engineering mind that another thirty-six inch opening at that culvert would solve Rock Creek's problem. I am convinced and I know that because I spent many rainy days at the culvert including May 12<sup>th</sup> during the tornado warning- I was out there and I watched this water. I watched the stream and I watched the backup and there's no doubt that the additional thirty-six inch opening certainly saved us on May 12<sup>th</sup> and I just know that another thirty-six drain on the other side would solve our problems. There have also been suggestions about the possibility of a retainer wall from Pebblebrook to the end of Rock Creek, some type of retainer wall. When Mr. Walker was out through the culvert back in February he had suggested a couple of minor inexpensive things that could possibly be done, but they have to be discussed and they couldn't be done until warm weather; but might help the flow of the water into that...underneath that culvert. Anyway, I guess I'll end by saying that we just feel like we're in the dark all the time. Is there any possibility that we could have a meeting or if we could discuss this by emails? If we could talk about some options and the cost of some options it would certainly be appreciated. Thank you for your time.

Mr. Daymut – Thank you Bob. That is the end of our list of sign-in. If there's anyone else in the audience please feel free to come to the podium, state your name and address for the record.



**AUDIENCE PARTICIPATION (cont'd):**

Mary Jo Paulozzi, 18805 Saratoga Trail, Strongsville, OH – My name is Mary Jo Paulozzi. I live at 18805 Saratoga Trail. I would like to thank the Council for hearing me, and also the Mayor. In 1997 I built my home in the city, mandated that I needed that I needed to build a retention wall that they had to approve of before I could build my home. I was not given the option of a 3 to 1 slope. This wall had to be approved by the City and the HOA and had to be engineered to the topography of the city and county designed and approved of it in 1997 based on their plat and master grade plan of the High Point and Deerfield Woods Subdivisions because of a protected storm sewer easement area that borders my property line as well as four other property owners. In lay person's terminology, it means I had to build a wall to hold up a hill as well as four other property owner's in order for us to build our homes.

In 2011 the property owner living on this hill my wall is holding up decided to re-grade and change the master grade plan involving two developments: High Point and Deerfield Woods; plugging up the very swale designed to remove storm water to a designated catch basin and redirect that water towards my property as well as three other property owners- all without a permit and violating this very ordinance I was going to pass out, but I don't have enough copies. The Ordinance is 1438.12, Landscaping Requirements, as well as the City ordinance that was passed in 2011-it's the Chapter 1058, and it's the City's code ordinance concerning storm water management and sediment erosion control. Anyhow, he did this without a permit and violated these ordinances. I had to hire a hydrologist engineer as well as a structural engineer who determined that I have a 312% increase of storm water running to my property. Needless to say, my retention wall could not stand up to the increase weight of the re-grading of this area as well as the increase weight in the saturated soil from the increase of water. It has made my property a hazard, a safety issue, as well as not being able to market my home.

This property owner has now submitted a modification plan for this swale, which was just approved by the City leaving the weight of the re-grading changes he made to a master grade plan of a development. In other words, anyone can come into our City and change a master grade plan of a subdivision, plug up a swale and easement area protected by county and state. Violating the storm water management plan by the County and State that the City of Strongsville signed up for; all without a permit these very ordinances were designed to protect.

My intent here is not ill will against the city I love...never has been. It is more to return this protected easement area back to the master grade plan and plat that was approved of in 1997. It is more about all citizens need to follow the laws regardless of income level or political statues. My property now is a safety issue for myself as well as my grandchildren...and nobody else that walks on this hill that is unstable...unacceptable in an affluent city like Strongsville. There is no property owner that is going to want to buy my home with this present scenario that any property owner above me on this hill can just do whatever he wants, change a master grade plan, change a protected approved swale, and I have to keep holding up his hill. This is the situation my city has now put me in. I can't even find a contractor who will rebuild or fix this wall with a guarantee with this present scenario. I am asking this Council for help as a property owner to make this city enforce its ordinances. There are reasons we have protected storm/ sewer easements by city, county and state. There are reasons we have storm water management plans. There are reasons we have master grade plans and plats of subdivisions approved by city and county engineers. Thank you for hearing me.

Mr. Daymut – Thank you very much for your comments, we appreciate it. Is there anyone...

**AUDIENCE PARTICIPATION (cont'd):**

Mr. Kraus – Excuse me Mr. President, can I note something for the record?

Mr. Daymut – Yes

Mr. Kraus – Yes, I must note for the record that the City-first of all, the City disputes and does not concur with the contentions and allegations of Mrs. Paulozzi. We and the Engineering Department have addressed these issues over a period of years. This individual is in private litigation with her neighbor over these issues and these are private matters that do not involve the City of Strongsville. I have spoken to her counsel, a number of lawyers over a period of years and while I don't want to get into a debate tonight with her, it would be inappropriate; she has legal counsel who can speak with our Law Department and with me. I don't want this meeting and these minutes to reflect anything other than we respectfully disagree with the allegations and contentions that she has made this evening, thank you.

Mr. Daymut – Thank you Mr. Kraus. Is there anyone else in the audience? If there is somebody else if you want to come up and speak that is fine. Please state your name and address for the record.

Brad Hines, 18805 Saratoga Trail, Strongsville, OH – My name is Brad Hines, 18805 Saratoga Trail. I would like to address one thing Mr. Kraus said. That it is not in current litigation at this point in time.

Mr. Daymut – Okay, thank you, is there anyone else that would like to address Council this evening?

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2014-127** by Mayor Perciak and Mr. Southworth. AN ORDINANCE ESTABLISHING NEW ANNUAL MEMBERSHIP FEES AND PAYMENT PROCEDURES FOR THE WALTER F. EHRNFELT RECREATION AND SENIOR CENTER EFFECTIVE OCTOBER 1, 2014.

**Placed on second reading and referred back to committee.**

**Ordinance No. 2014-129** by Mr. Southworth. AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION, OF CERTAIN OBSOLETE PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY'S RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2014-129 ADOPTED.**

**ORDINANCES AND RESOLUTIONS (cont'd):**

**Ordinance No. 2014-130** by Mayor Perciak and All Members of Council. AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST AND VARIOUS TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTY LOCATED AT 11062 PROSPECT ROAD, STRONGSVILLE, OHIO, (BEING PART OF PERMANENT PARCEL NOS. 392-10-022 & 392-10-023); DIRECTING THE LAW DEPARTMENT TO PROCEED WITH THE EXPEDITED ACQUISITION OF SUCH PROPERTY INTERESTS FOR THE CITY'S ALBION AND PROSPECT ROADS INTERSECTION IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. [Hahn]

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2014-130 ADOPTED.**

**Ordinance No. 2014-131** by Mr. Maloney. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 3 FOR A FURTHER INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT PHASE II (CUY-42-0.00), AND DECLARING AN EMERGENCY.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2014-131 ADOPTED.**

**Ordinance No. 2014-132** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1240.08(c)(2), AND AMENDING VARIOUS SUBSECTIONS OF 1258.03, 1258.05, 1258.11, 1258.13 and 1258.14 OF TITLE SIX OF PART TWELVE OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, REGARDING AUTOMOTIVE USES IN GENERAL BUSINESS DISTRICTS AND MOTORIST SERVICE DISTRICTS, AND DECLARING AN EMERGENCY.

**Placed on first reading and referred to Planning Commission and committee.**

**ORDINANCES AND RESOLUTIONS (cont'd):**

**Ordinance No. 2014-133** by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO FOR THE YEAR 2014 AND REPEALING ORDINANCE NUMBER 2014-099.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2014-133 ADOPTED.**

**Resolution No. 2014-134** by Mr. Dooner. 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.

**Placed on first reading and referred back to committee.**

**Ordinance No. 2014-135** by Mayor Perciak and Mr. Carbone. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF FOUR 2015 FORD F-550 CAB AND CHASSIS TRUCKS WITH DUMP BODY, SALT SPREADER INSERTS AND SNOW PLOW EQUIPMENT PACKAGES WITH APPURTENANCES FOR USE BY THE SERVICE DEPARTMENT OF THE CITY; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2014-135 ADOPTED.**

**Resolution No. 2014-136** by Mr. Carbone. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF UP TO TWO TANDEM AXLE CAB AND CHASSIS UNITS FOR FRONT PLOW/END DUMP APPLICATION TO BE USED BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All Nays. Motion carries.**

**Resolution No. 2014-136 DEFEATED.**

**ORDINANCES AND RESOLUTIONS (cont'd):**

**Resolution No. 2014-137** by All Members of Council. A RESOLUTION DECLARING THE MONTH OF AUGUST, 2014 AS COUNCIL RECESS MONTH.

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

**Motion to adopt by Mr. Dooner, second by Mr. DeMio.**

**Roll Call: All ayes. Motion carries.**

**Resolution No. 2014-137 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

(None)

**MISCELLANEOUS BUSINESS:**

Mr. Daymut – Is there any miscellaneous business this evening?

(No comments)

**ADJOURNMENT:**

There being no further business to come before this Council, President Daymut adjourned the meeting at 8:36 p.m.

Signature on File  
Aimee Pientka, CMC  
Clerk of Council

July 21, 2014  
Date of Approval