



City of Strongsville

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www.strongsville.org

October 30, 2008

City Council

Mark A. Roth, III
Ward 3

Patrick J. Coyne
At Large

Michael J. Daymut
Ward 1

Joseph C. DeMio
At Large

Raymond L. Haseley
Ward 2

Michael J. Gallagher
President of Council
Ward 4

Kenneth M. Dooner
At Large

Leslie J. Seefried, MMC
Clerk of Council
leslie.seefried@strongsville.org

MEETING NOTICE

The following meetings have been scheduled by Council for **Monday, November 3, 2008**, to be held in the Caucus Room and the Council Chamber at the **Strongsville Communications Center, 13213 Pearl Road:**

7:15 P.M. **Finance Committee** will meet to discuss Resolution No. 2008-229.

7:20 P.M. **Public Safety and Health Committee** will meet to discuss Ordinance No. 2008-230.

7:25 P.M. **Public Service and Conservation Committee** will meet to discuss Ordinance No. 2008-231 and Resolution Nos. 2008-232 and 2008-233.

7:30 P.M. **Committee-of-the-Whole** will meet to discuss Ordinance No. 2008-234.

7:35 P.M. **Economic Development and Technology Committee** will meet to discuss items pertinent to the Committee.

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

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

BY ORDER OF THE COUNCIL:

Leslie J. Seefried, MMC
Clerk of Council

AGENDA FOR THE REGULAR STRONGSVILLE COUNCIL MEETING

MONDAY, NOVEMBER 3, 2008 AT 8:00 P.M.

Council Chamber – Communications Center
13213 Pearl Road, Strongsville, Ohio

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - Regular Council Meeting – October 20, 2008

6. APPOINTMENTS AND CONFIRMATIONS:

7. REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:

SCHOOL BOARD – Mr. Roth:

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:

PUBLIC SERVICE AND CONSERVATION – Mr. Dooner:

PUBLIC SAFETY AND HEALTH – Mr. DeMio:

PLANNING, ZONING AND ENGINEERING – Mr. Haseley:

FINANCE – Mr. Coyne:

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:

BUILDING AND UTILITIES – Mr. Roth:

COMMITTEE-OF-THE-WHOLE – Mr. Gallagher:

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

MAYOR PERCIAK:

FINANCE DEPARTMENT - Mr. Batke:

LAW DEPARTMENT- Mr. Kraus:

9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

Resolution No. 2008-229 by Mr. Coyne. A RESOLUTION FURTHER AMENDING RESOLUTION NOS. 2006-49 AND 2008-194 TO DESIGNATE AN ADDITIONAL DEPOSITORY FOR ACTIVE AND INTERIM FUNDS OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

Ordinance No. 2008-230 by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING ORDINANCE NO. 2007-144 AND CANCELING A CONTRACT FOR THE PURCHASE OF ONE ALS AMBULANCE/RESCUE/PUMPER UNIT FOR USE BY THE FIRE DEPARTMENT WITH A TRADE-IN; AUTHORIZING THE MAYOR TO RE-ADVERTISE FOR BIDS FOR THE SAME; AND DECLARING AN EMERGENCY.

Ordinance No. 2008-231 by Mayor Perciak and Mr. Dooner. AN ORDINANCE AUTHORIZING THE DISPOSAL OF THREE DEPARTMENT OF PUBLIC SERVICE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

Resolution No. 2008-232 by Mr. Dooner. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR TRAFFIC SIGNAL/ELECTRICAL MAINTENANCE SERVICES FOR 2009-2010 IN THE CITY OF STRONGSVILLE.

Resolution No. 2008-233 by Mr. Dooner. A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Gechter)

Ordinance No. 2008-234 by Mayor Perciak. AN ORDINANCE ENACTING A NEW CHAPTER 268 OF TITLE SIX OF PART TWO OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE ESTABLISHING THE DEPARTMENT OF HUMAN RESOURCES, AND DECLARING AN EMERGENCY.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Transfer of Liquor Permit – TRFO– D5I-D6 – To: Mac Acquisition LLC, dba Romano's Macaroni Grill, 17095 South Park Center, Strongsville, OH 44136. From: Brinker Ohio, Inc., dba Romano's Macaroni Grill, 17095 South Park Center, Strongsville, OH 44136. (Responses must be postmarked no later than 11/17/2008)

12. MISCELLANEOUS BUSINESS:

13. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2008 - 229

By: Mr. Coyne

A RESOLUTION FURTHER AMENDING RESOLUTION NOS. 2006-49 AND 2008-194 TO DESIGNATE AN ADDITIONAL DEPOSITORY FOR ACTIVE AND INTERIM FUNDS OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, through passage of Resolution No. 2006-49 this Council designated various financial institutions as depositories for active and interim funds of the City for a five-year period commencing March 15, 2006 to March 14, 2011; and

WHEREAS, upon recommendation of the Director of Finance and because of competitive interest rates, the Council recently added an additional depository through adoption of Resolution No. 2008-194; and

WHEREAS, effective July 4, 2006, House Bill 313 created Ohio Revised Code Section 135.144 permitting government entities subject to Chapter 135 to use Certificate of Deposit Account Registry Services (CDARS) in order to have greater access to Federal Deposit Insurance Corporation insurance protection on large deposits to banks; and

WHEREAS, Tri-State Capital Bank participates in the CDARS program which has been recognized by the Ohio Auditor of State; and

WHEREAS, participation by the City of Strongsville will afford it maximum protection of its funding, competitive interest rates, and flexibility in investment deposits, all in accordance with law;

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

Section 1. That Section 2 of Resolution No. 2006-49 is hereby amended to read in its entirety as follows:

Section 2. That the following depositories be and they are hereby designated by the Council of the City of Strongsville for the deposit of public moneys in compliance with the applicable provisions of the statutes of the State of Ohio commencing March 15, 2006 to March 14, 2011.

JP MORGAN CHASE BANK

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2008- 229

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FIFTH THIRD BANK
FIRST MERIT BANK
HUNTINGTON NATIONAL BANK
NATIONAL CITY BANK
KEY BANK
U.S. BANK
CHARTER ONE BANK
TRI-STATE CAPITAL BANK

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 actions 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 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 provide additional competitive depositories for the safekeeping of moneys of the City of Strongsville, and 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.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

Attest: _____
Clerk of Council

RES. 2008-229
ORD. No. _____ Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2008 - 230

By: Mayor Perciak and All Members of Council

AN ORDINANCE REPEALING ORDINANCE NO. 2007-144 AND CANCELING A CONTRACT FOR THE PURCHASE OF ONE ALS AMBULANCE/RESCUE/PUMPER UNIT FOR USE BY THE FIRE DEPARTMENT WITH A TRADE-IN; AUTHORIZING THE MAYOR TO RE-ADVERTISE FOR BIDS FOR THE SAME; AND DECLARING AN EMERGENCY.

WHEREAS, through adoption of Resolution No. 2007-115, this Council previously authorized the Mayor to advertise for bids for the purchase of one ALS ambulance/rescue/pumper unit for use by the Fire Department of the City and for the sale of an existing, obsolete unit; and

WHEREAS, pursuant to the invitation for bids, a bid was timely received; and

WHEREAS, through adoption of Ordinance No. 2007-144, Council authorized the Mayor to enter into a contract for the purchase and sale of such vehicles with American LaFrance, LLC (through its authorized dealer Vogelpohl Fire Apparatus) in a net amount not to exceed \$302,413.00; and

WHEREAS, a contract implementing the same was executed between the City and American LaFrance on or about September 19, 2007; and

WHEREAS, on or about February 5, 2008, the City was notified of the filing by American LaFrance, LLC of a Chapter 11 Bankruptcy proceeding in the U.S. Bankruptcy Court for the District of Delaware; and

WHEREAS, on or about May 15, 2008, and at the City's request, the City ultimately received a cancellation notice from American LaFrance, mutually canceling and rescinding the foregoing contract; and

WHEREAS, the foregoing cancellation was later confirmed by the U.S. Bankruptcy Court in May of 2008 by reason of the adoption of the Third Amended Plan of Reorganization which specifically rejected the executory contract between American LaFrance and the City, effective with the plan confirmation of July 23, 2008.

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

Section 1. That for the foregoing reasons, Ordinance No. 2007-144 previously authorizing a purchase from and trade-in to American LaFrance, LLC of ALS ambulance vehicles, through Vogelpohl Fire Apparatus is hereby repealed in its entirety.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2008 - 230

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Section 2. That this Council finds that the Fire Department of the City of Strongsville has a Trident ALS Ambulance with 250 GPM pumper vehicle, which is unfit for public use by reason of obsolescence and is no longer needed for any municipal purpose, and further finds that it will be in the best interests of the City to sell and trade-in such vehicle and have the selling price applied as a credit toward the purchase of a new ambulance vehicle.

Section 3. That the Mayor, therefore, be and is hereby authorized to advertise for bids for the sale of the existing Trident ALS Ambulance with 250 GPM pumper vehicle and for the purchase of a new ambulance vehicle for use by the Fire Department of the City, and to further provide that the selling price of the existing vehicle shall be applied as a credit towards the purchase of a new ambulance vehicle, in accordance with specifications on file in the office of the Fire Chief, which are in all respects hereby approved.

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

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to confirm cancellation of the prior contract and re-advertise for bids in order to provide for the continuity of services and operation of the Fire Department, and to protect the lives and property of persons in the City of Strongsville. 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: _____

Attest: _____
Clerk of Council

ORD. No. 2008-230 Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2008 - 231

By: Mayor Perciak and Mr. Dooner

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF
THREE DEPARTMENT OF PUBLIC SERVICE VEHICLES
NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE,
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 this Council finds that the Service Department of the City of Strongsville has three vehicles, including a 1971 Green Road Paver (Serial # SV1114321), a 1978 Ford one ton pickup truck (VIN # F37SCBA0308) and a 1987 Ford one ton pickup truck (VIN # 2FDHF3719HCA23553) 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 vehicles.

Section 2. That, pursuant to Article IV, §3(e) of the City Charter, the Director of Finance be and is hereby authorized to dispose of such obsolete vehicles identified above as scrap through Reed's Salvage Corp.; 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 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 the immediate disposal of such obsolete and surplus vehicles is necessary in order provide needed storage space for the Department of Public Service, 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.

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President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

Attest: _____
Clerk of Council

ORD. No. 2008-231 Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Red: _____

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Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2008 - 232

By: Mr. Dooner

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR TRAFFIC SIGNAL/ELECTRICAL MAINTENANCE SERVICES FOR 2009-2010 IN THE CITY OF STRONGSVILLE.

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

Section 1: That the Mayor be and is hereby authorized to advertise for bids for traffic signal/electrical maintenance services for 2009-2010, in accordance with specifications on file in the office of the Director of Public Service, which are in all respects hereby approved.

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

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

Section 4: That this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

Attest: _____
Clerk of Council

RES. 2008-232
ORD. No. _____ Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2008 - 233

By: Mr. Dooner

A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY.

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

Section 1. That pursuant to Codified Ordinance Section 1060.09, this Council hereby authorizes the repurchase of a certificate for burial rights in the Strongsville Municipal Cemetery for Graves E & G in Lot 115 of Section E from Richard and Maureen Gechter by the City of Strongsville at the same price that was originally paid therefor.

Section 2. That the funds for the repurchase of said certificate have been appropriated and shall be paid from the General Fund.

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

Section 4. This Resolution shall take effect and be in force from and after its approval by the Mayor.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

Attest: _____
Clerk of Council

RES.
ORD. No. 2008-233 Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2008 - 234

By: Mayor Perciak

AN ORDINANCE ENACTING A NEW CHAPTER 268 OF TITLE SIX OF PART TWO OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE ESTABLISHING THE DEPARTMENT OF HUMAN RESOURCES, AND DECLARING AN EMERGENCY.

Section 1. That Chapter 268 of Title Six of Part Two of the Codified Ordinances of the City of Strongsville be and is hereby enacted to read in its entirety as follows:

**CHAPTER 268
Department of Human Resources**

- 268.01 Establishment.**
268.02 Human Resources Director.

268.01 ESTABLISHMENT.

Pursuant to Article IV, Section 2 of the City Charter, there is hereby established in and for the City a Department of Human Resources, to be administered by the Human Resources Director, subject to the provisions of the City Charter and ordinances of the Municipality, and further subject to the direction of the Mayor and the Director of Finance in instances not governed by the Charter, ordinances or general laws of the State of Ohio pertaining to such Department and personnel therein. Positions and the duties of those positions within the Department shall be as established pursuant to and in accordance with the General Salary Ordinance.

268.02 HUMAN RESOURCES DIRECTOR.

(a) The Human Resources Director shall be appointed by the Mayor subject to the approval of a majority of the members elected to Council. The Director shall serve at the pleasure of the Mayor and shall be the executive head of the Department of Human Resources under the direction of the Mayor and the Director of Finance.

(b) The Human Resources Director shall supervise and control all personnel in the Department of Human Resources. The Director shall be responsible for, manage and coordinate all Human Resources programs, functions and policies for the City of Strongsville. These may include, but not be limited to: performance appraisal review and processing; personnel data entry and records maintenance; consultation and

CITY OF STRONGSVILLE, OHIO

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advisory services to management and employees (for example, conduct issues, and performance issues); policy development; benefits; employee assistance referral; employee handbook; workers' compensation; recruitment; succession planning; affirmative action efforts and EEO policies and procedures; required employee training and safety awareness; and general employee relations matters. The Director shall make recommendations for establishment of policies, procedures and standards for the development of the aforementioned City's Human Resources programs and functions, subject to the approval of the Mayor; and shall perform such other duties as may be authorized or requested by the Mayor or the Director of Finance and/or by ordinance of Council.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance 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 provide for the efficient administration of the City's personnel and employees, 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: _____

Attest: _____
Clerk of Council

ORD. No. 2008-234 Removed: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
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Adopted: _____ Defeated: _____