

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JULY 6, 2009

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Monday, July 6, 2009 at 7:30 p.m.***

Present: Council Members: Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, and Mark A. Roth. Also Present: Clerk of Council Leslie J. Seefried. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Donald C. Batke, Service Director Joseph M. Walker, City Engineer Ken Mikula, Building Commissioner Anthony J. Biondillo, Recreation Director Stephen F. Kilo, Communication and Technology Director John Bedford, Economic Development Director Eugene Magocky, Human Resources Director Anthony Urankar, Police Chief Charles Goss and Fire Chief Robert Moody.

The following Committees met to review legislation on the agenda:

Finance Committee: Chairman Dooner stated all members of Council have received a copy of the minutes of the Finance Committee meeting held on June 22, 2009. Chairman Dooner recommended suspension and adoption for Resolution 2009-115, being the first step in submitting a 1.5 mill current expenses renewal levy to the voters in November. He recommended first reading for Resolution No. 2009-116, certifying unpaid Property Maintenance Nuisance Abatements to the County Auditor for levy and collection according to law. Mr. Dooner recommended suspension and adoption for Resolution No. 2009-117, repealing Resolution 2009-066 concerning certification of information for a possible renewal levy in connection with Southwest General Health Center.

Planning, Zoning and Engineering: Chairman Coyne recommended first reading and referral to Planning Commission for Ordinance No. 2009-118, authorizing the Mayor to enter into a non-exclusive partial assignment of easement agreement to VAM, Ltd. for sanitary sewer purposes. He recommended suspension and adoption for Ordinance No. 2009-119, authorizing the Mayor to enter into a release and vacation of an existing water main easement and to accept a grant of easement from VAM, Ltd. for the installation and maintenance of a water main for supplying water service in connection with VAM, Ltd. subdivision and the Plaza at Southpark project. Suspension and adoption was recommended for Ordinance 2009-120, authorizing the Mayor to enter into a release of an easement and accept a new grant of easement for storm sewer drainage system purposes in connection with property located at 14340 Castlereagh Lane in the Avery Walden Reserve Subdivision, Phase 2. Suspension and adoption was also recommended for Resolution No. 2009-121, authorizing the advertising of bids for culvert replacement in connection with the Westwood Drive Culvert Replacement Project.

Public Service and Conservation Committee: Chairman Haseley recommended suspension and adoption for Resolution Nos. 2009-122, 2009-123 and 2009-124, all declaring the necessity and intention of the City to appropriate fee simple interests and temporary construction easements for property in connection with the Pearl Road Widening Project. Mr. Haseley stated these resolutions are necessary in order to allow the administration to deal with the property owners. Mayor Perciak added that the administration wants to get as many of these resolved as they can so the project can go to bid. He stated with the economy being what it is today, the past bids that the City has gone out for have come back substantially less and to the City's favor because of the economic conditions, so we are working very hard to try to bring all of these to quick resolution.

Mr. Roth asked if there was a dollar amount for these three resolutions. Mr. Haseley replied that there is no dollar amount yet; the resolutions are just giving the administration the right to negotiate with the property owners. Mayor Perciak stated we want to encourage their hearts to come to the table. Mr. Haseley recommended suspension and adoption for Ordinance Nos. 2009-126 and 2009-127, both dealing with the purchase of permanent and/or temporary easements from various property owners in connection with the Pearl Road Widening Project, and for Ordinance No. 2009-128, accepting grants of easements in connection with the Pearl Road Widening Project. Mr. Roth stated he has had a problem with the dollar amounts going out on these, and they have all been assigned a dollar amount except these three resolutions. Mr. Haseley reiterated that the resolutions grant the administration the right to negotiate with the property owners. Mr. Haseley stated Council has passed similar resolutions at meetings for the past five or six meetings. The Mayor offered to go over each Resolution with Mr. Roth after the meeting and go over why they were not assigned a dollar amount. Mr. Roth stated we have been paying an exorbitant amount of money per slice of property, in his opinion, for each ten foot slice down the street, and if anything is similar on these three resolutions, he will not be in agreement with that. One of the Council members replied that with these three, we do not yet know because they are not even at the table. Mr. Roth asked if they would come before Council when we get a dollar amount. The Mayor, along with others, replied that they would. Mr. Dooner stated if we get an independent appraiser and the appraiser comes in with a number, what are we supposed to do? Mr. Haseley added, if it is approved by all. Mr. DeMio stated Mr. Roth understands. Mr. Roth stated he understands that; if they come before Council with a dollar amount, then he could make a judgment at that time, in his opinion, just like you can. Mr. Gallagher stated that, even in Mr. Roth's opinion, this wouldn't cost the City any more money than necessary. Mr. Gallagher reminded Mr. Roth, representing part of that side of town, he doesn't need to find it screwed up. He said he's waited a long time. Mr. Roth reiterated he is all for the widening, but he is not for paying these kind of prices. Mr. Haseley commented that that's what it takes. Mr. Roth stated he does not agree. Mr. Gallagher commented that some people did donate plots. Mr. Gallagher stated he is guessing if the "Roth Estates" were on Pearl Road south, they'd be not giving it for free. Mr. Roth stated at \$700,000 an acre rate, he is going to be doing his Pontius Pilate imitation; he is not going to be a part of that \$700,000 rate per acre, it's a no. Mr. Gallagher stated, you just vote no and keep it to yourself. Mr. Roth stated, you're pressing me for a response, you just got it. Mr. Coyne stated this is important; there has been a lot of grant money and a lot of work put forth, and to see this go down the drain... Mr. Coyne stated he respects the fact Mr. Roth might not agree with this, but the thing is that Mr. Roth sends a signal out to people that we're giving the shop away. Mr. Roth asked Mr. Coyne if that bothers him. Mr. Gallagher stated what is bothersome is Mr. Roth saying \$700,000 an acre, which is not fact based at all. Mr. Roth stated it is; do the math. Mr. Roth commented gross take or net take, either one you're in the one hundreds and one one-thousandths of an acre. One of the members stated, no, you're not. Mr. Coyne asked Mr. Roth if he is the only member of Council that is opposed to the widening of Pearl Road. Mr. Roth stated he made it public he is not against it, he is all for it. Mr. Coyne indicated it's wrong when Council members have all been painted with the same brush. Mr. Roth said it's not wrong, his opinion is not wrong. Mr. Gallagher stated to Mr. Roth that his numbers are wrong, his opinion is right. Mr. Coyne stated to Mr. Roth that he always welcomes Mr. Roth's opinion, but when Mr. Roth casts the brush against the rest of the members that they must be irresponsible, that is simply not true. Mr. Roth asked Mr. Coyne if he is feeling a tinge of guilt here, because that is not what he is saying at all. Mr. Coyne responded that no, he is not feeling guilty, just upset. Mr. Roth stated, you feel guilty. Mr. Coyne stated the only time he felt guilty was when he was coaching at St. Joseph and John and they lost the state championship by one point; that's the only time he ever felt guilty. Mr. Roth replied, okay, then don't worry about it, you have your opinion and I'll have mine.

Economic Development and Technology Committee: Chairman Daymut reported that the next breakfast meeting has been scheduled for September 17th. The meeting will be sponsored by Dollar Bank and the Committee is currently engaged in trying to find a speaker. He stated he would give a report from the last Committee meeting on the floor.

President Gallagher asked if Council members had any issues or questions for the directors or the administration.

Mr. DeMio asked the Mayor for an update on the police facility. Mayor Perciak stated it is moving along very well and very shortly, the Council may be able to do a walk-through of the facility. A lot of the interior work will be done in the next few weeks or so. Mr. DeMio asked when he should schedule another Public Safety meeting. The Mayor replied that a meeting could be scheduled after Council's recess.

Mr. Gallagher briefly touched on a situation that recently occurred on his street where a resident came home to find contractors taking off the roof of his house. The contractors had the address wrong and were supposed to be taking off a neighbor's roof. The contractor said it would provide both residents with new roofs.

Mr. Daymut stated he has been in touch with the Northeast Ohio Gas Accountability Project, since he has a gas well coming into his ward. The organization contacted him to see if the City would be willing to sponsor a gas well forum. A forum was held on the east side in Bainbridge. Mr. Daymut said the purpose of the forum is to meet with citizens who are concerned about gas wells and inform them of the process for gas wells in the area and to discuss legislation in connection with them. The Mayor stated he feels we need to have a meeting with the Fire Chief before we proceed with any type of forum, as there are many safety issues relating to gas wells and before we start educating the public as to the virtues of having a gas well in their back yard, he feels we have to address the safety issues first. Mr. Daymut agreed, but stated that since there will be legislation introduced in the fall, he feels it is important to have input from various communities and citizens as this moves through the legislature. Mayor Perciak reiterated he would encourage the discussion with the Chief first and the Law Director because the state legislature has pretty much voiced their opinion where they are at on gas wells and home rule has pretty much been abolished as it applies. Mr. DeMio commented that he would love the state to sponsor this. Mr. Daymut agreed with Mr. DeMio and stated he really feels the starting point with this, besides just our discussions here, would be with our representatives to see where they stand on it.

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JULY 6, 2009 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE COMMUNICATIONS CENTER

CALL TO ORDER:

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

President Gallagher – Welcome, ladies and gentlemen, to this, the July 6th City Council meeting here in the City of Strongsville.

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: Patrick J. Coyne, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, Mark A. Roth III, and Michael J. Daymut. Also Present: Leslie J. Seefried, Clerk of Council. **Administration:** Thomas P. Perciak, Mayor; Kenneth A. Kraus, Law Director; Donald C. Batke, Finance Director; Joseph M. Walker, Service Director; Anthony J. Biondillo, Building Commissioner; Ken Mikula, City Engineer; Gene Magocky, Economic Development Director; Steve Kilo, Recreation Director; John Bedford, Communication and Technology Director; Anthony Urankar, Human Resources Director; Charles Goss, Chief of Police; and Robert Moody, Chief of Fire.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of June 15, 2009 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

The Knights of Columbus, Strongsville Council (Saint Joseph Church), recognized FireMedic Scott Fridley and Police Officer Brook Miller as their Firefighter and Police Officer of the Year and presented both men with personalized plaques. They also presented the Strongsville Fire Department and the Strongsville Police Department with a plaque for display at each department. The recognition of FireMedic Fridley and Office Miller are the first of what will be annual recognitions made by the Strongsville Council of the Knights of Columbus to honor the Strongsville Firefighter and Police Officer of the Year.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth: Thank you, Mr. Gallagher. From the June 22nd meeting, joint meeting, discussed at the hospital meeting were the adding of a linear accelerator, which is going to be vital to not only the hospital and the community, but for upgrading the breast center. It is going to be in the waiting room of the Ireland Cancer Center. There was a lot of discussion over the new franchise fee of Ohio being inflicted on hospitals and it is affecting their bottom lines and so there is a top to bottom wage freeze at Southwest General Hospital being implemented right now. And the next meeting is July 29th and I will be in attendance there. That's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. Questions for Mr. Roth?

(None)

SCHOOL BOARD – Mr. Roth: Thank you. At the last School Board meeting, Colby Alexander was presented an award for qualifying for the state track meet, representing our community very well. Crystal Waters Retirement Community made a very generous donation to the Strongsville High School Project Support, seventeen hundred dollars. And Ms. Moira Cohen presented a presentation of volunteer hours for those employees. And that's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. Questions for Mr. Roth?

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: There is no legislation before Recreation this evening, but I will answer any questions you may have.

(None)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you Mr. Gallagher. We have a number of pieces in front of us this evening, all again dealing with the Pearl Road Widening. Resolutions 2009-122, 123 and 124, the recommendation is to suspend and adopt, this will allow the administration to evaluate them and make offers on certain properties. Ordinance 2009-125, suspend and adopt, 2009-126, suspend and adopt, 2009-127, suspend and adopt, and lastly, 2009-128, suspend and adopt, and this all has to do with the Pearl Road Widening. I will answer any questions, if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: Thank you Mr. Gallagher. Basically, we had a brief discussion in the caucus room; in the future, the Mayor and Chief Goss will allow Council to do a walk-through, as best we can, in the next couple months of the extension, if you will, of the police station. And until we do that, the Committee does not have any official reports or ordinances or resolutions today, but if there are any questions that need to be answered, I'd be happy to field them. But, other than that, I will close the docket for Public Safety for now.

Mr. Gallagher – Thank you, Mr. DeMio. Questions for Mr. DeMio?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

PLANNING, ZONING AND ENGINEERING –Mr. Coyne: Thank you Mr. Gallagher. This evening, Planning, Zoning and Engineering Committee would like to first look at Ordinance 2009-118 regarding a non-exclusive partial assignment of easement agreement; we are going to put that on first reading and refer that to Planning. 2009-119, we're going to suspend and adopt; 2009-120, suspend and adopt; 2009-121, we're going to suspend and adopt.

Before we close the meeting, I just want to mention – give Colby Alexander a plug. I coached him at Sts. Joseph and John, he was one of my first runners, and this year he ran a 4:14 mile. There is a history there because his mother, father and I ran together at B-W and they were both Hall of Fame runners. And he is a really good kid and I'm real proud of him. He's a little guy that's a big success, he's being recruited by some of the top schools in the country. So, Mark, thank you for recognizing him, he's a really good kid. That's all I have.

Mr. Gallagher – Thank you, Mr. Coyne. Questions for Mr. Coyne?

(None)

FINANCE - Mr. Dooner: Thank you, Mr. Gallagher. Finance Committee met this evening, we have three resolutions before us tonight. 2009-115, which is a resolution declaring it necessary to renew an existing 1.5 mill tax levy; we are recommending to suspend and adopt that. Resolution 2009-116, it's a resolution authorizing the Director of Finance of the City to certify to the Auditor of Cuyahoga County unpaid property maintenance that the City has to take care of; we're going to place this on first reading. And Resolution 2009-117, a resolution repealing Resolution Number 2009-066 concerning certification of a possible renewal levy in connection with Southwest General Health Center; that will be suspend and adopt, as well. That is all we have tonight, Mr. Gallagher; I will answer any questions at this time.

Mr. Gallagher – Thank you, Mr. Dooner. Questions for Mr. Dooner?

(None)

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: Thank you, Mr. Gallagher. We have no ordinances or resolutions on this evening's agenda. I will give a brief report on our meeting of June 22nd. We have set the date for our next Network Business breakfast meeting and that will be September 17th, if you would mark your calendars. I'd like to thank Dollar Bank for sponsoring that particular event. We are in the process of obtaining a speaker for that. Also, we are now accepting nominations for our Innovation Awards that will be part of our program for all our breakfast meetings, and if you have anyone you'd like to recommend, or anyone in the audience, please contact myself, Gene Magocky or Brent Painter so that we can present those in our September meeting. We received a tech report from Ed Oliveros concerning the Great Lakes Energy Task Force that meets monthly. Also, we continue to review our business survey for our retail and service provider partners. We did address the sign ordinance and we are in the process of addressing all the other concerns that we received from the results of the survey. This week a sub-task force will meet concerning our business incubator program. We are in the process of putting a booklet together for our entrepreneurs here in Strongsville that might need some assistance as they have something they have either developed, invented or want to start a business.

REPORTS OF COUNCIL COMMITTEES (cont'd):

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut (cont'd): We also discussed business development organizations that are becoming prevalent throughout the county and some subcommittees evidently are meeting here in the City of Strongsville; we hope to partner with the Chamber of Commerce so we can get these all together under one umbrella and help our business partners out in any way we can. We did receive a report about new businesses that are locating here in Strongsville. And our next meeting will be Monday, July 27th, at 7 p.m. here at the Communications Center. That's all I have this evening, Mr. Gallagher. Thank you very much.

Mr. Gallagher – Thank you Mr. Daymut. Questions for Mr. Daymut?

(None)

BUILDING AND UTILITIES – Mr. Roth: Thank you Mr. Gallagher. Nothing within this Committee, just was hoping – Oh, I want to thank the Mayor and the Service Director for a lot of activity over on some bad streets in my ward; I appreciate that, the residents appreciate that.

If there is anything we can do as far as – It's not even under our jurisdiction, but for the last six weeks, boy, that Marks Road project that Columbia Station and Lorain County are running – I live right there, so I've been watching and the residents have been watching and very little activity for the last six weeks. If there is anything we can do to speed that up, it would be greatly appreciated because the road is a disaster since they tore all of it up to put the new sewer down the line. And, like I said, the last six weeks, very little activity, so whatever we can do maybe to expedite the situation would be appreciated.

Mayor Perciak – Mr. President. Mr. Roth, I spoke to Digioia/Suburban and he assured me that will all be wrapped up by September 1st and paved. So that's the closest I could get for you as an answer.

Mr. Roth – Even finish coat, Mayor, on the paving?

Mayor Perciak – That I don't know, but I do know they...

Mr. Roth – Yeah. But paving sounds great. That's great news. Thank you, Mayor. Thank you.

Mayor Perciak – You're welcome.

Mr. Roth – That's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. Questions for Mr. Roth?

(None)

COMMITTEE OF THE WHOLE – Mr. Gallagher: There is no legislation this evening before the Committee-of-the-Whole.

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

Mayor Perciak – Thank you, Mr. President. This evening, first of all, I would like to thank the Strongsville City Club and all the volunteers for a successful Rib Burn-Off here on the City Commons last week. Even though we had some inclement weather on Thursday, Friday and Saturday were spectacular days. So, everybody at the City Club and the volunteers, thank you so very much and, also, thank you for being one of our principal sponsors for our fireworks display on Saturday evening. They work very, very hard to be a part of our community and so many of the things the City Club does is also to sponsor so many projects for all of our special needs children, so we want to acknowledge them and thank them and their volunteers for the hard work, especially last week here on the City Commons, and then not to mention all the other things they do year-round.

I also would like to thank the fifty-five individuals and Strongsville businesses who helped sponsor and paid for all the fireworks that all of our residents and the people from the surrounding communities enjoyed on Saturday night. In a difficult economy, the local business men and women and some of our residents stepped up to the plate like they never did before. So, from all of us in the administration and from the City Council, we thank you – we thank you for helping provide a very, very festive night for the many residents and all of our families here in the City of Strongsville.

And lastly, I'd like to remind you of the Strongsville Homecoming, which is going to begin on Wednesday evening, July 22nd – it's a week later this year than normally – with the parade on Pearl Road. And you need to read the Sun papers and watch for all the signs; the parade this year will end in front of the Communications Center. It will not end at 82 or at Westwood because of the construction. So we ask you to pay attention to the parade routes, they're going to be a little bit different this year. The parade will start at the same time, it will be Wednesday, but the parade will terminate in front of the Communications Center and go down the Communications Center driveway, and all the parking will be by the Rec Center and the Senior Center. And, also, to accommodate the Homecoming that night and the parade that night, the Recreation and Senior Center, that evening, will close at 5 p.m. in order to accommodate the thousands of people that will be congregating for the parade and to meet on the Commons. So, again, the Homecoming begins July 22nd, 23rd, 24th, and ends Saturday on the 25th, at midnight. And I also would like to thank, as I have the City Club, the Chamber of Commerce for again being a principal sponsor for our fireworks.

That is the end of my report, Mr. President.

Mr. Gallagher – Thank you Mayor. Questions for the Mayor?

(None)

FINANCE DEPARTMENT - Mr. Batke: Yes, thank you, Mr. President. Funds will be made available on this evening's agenda for all the ordinances and resolutions requiring certification of funding and up for adoption. Thank you.

Mr. Gallagher - Thank you, Mr. Batke. Questions for Mr. Batke?

(None)

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

LAW DEPARTMENT – Mr. Kraus: Thank you, Mr. President. I can represent that all ordinances and resolutions before City Council this evening are in proper legal form.

Mr. Gallagher – Thank you Mr. Kraus. Questions for Mr. Kraus?

None.

AUDIENCE PARTICIPATION:

Mr. Gallagher – Those of you in the agenda, now is the time of our agenda for audience participation. We ask when you approach the podium that you give us your name and address for our records, and you have five minutes. I have Ed and Cheryl Sobek.

Cheryl Sobek, 21888 Westwood Drive, Strongsville – I am Cheryl Sobek.

Ed Sobek – Ed Sobek.

Cheryl Sobek – And our address is 21888 Westwood Drive. We have a copy of a letter from the City of Strongsville signed by Keith Foulkes, the Assistant Building Commissioner, and it's addressed to William Ali, located at 21962 Westwood, who is our neighbor, stating that he was in violation of the Strongsville Codified Ordinances and that he had five days to correct that violation, which, specifically, is a commercial dump truck being parked in his driveway. This letter is dated over a year ago and I'd like to know why this has not been corrected.

Mr. Gallagher – Who have you contacted in the City regarding this?

Cheryl Sobek – Mr. Biondillo.

Mr. Gallagher – And what did he say?

Ed Sobek – This was the letter we received back from Mr...

Mr. Gallagher – Mr.... If you don't mind. Mr. Biondillo, are you aware of this at all?

Mayor Perciak – Excuse me, Mr. President. I think what we need to do is ask Mr. Biondillo to sit and talk with Mr. and Mrs. Sobek because it's a year old, I'm not sure Mr. Biondillo might remember; if he does, how about if we just go off to the side?

Cheryl Sobek – Well, he's...

Mr. Gallagher – Well, you haven't spoken to Mr. Biondillo lately?

Cheryl Sobek – I have spoken to him. He told me that the ordinance was being rewritten and that I should speak to my councilman, who I did, Mark Roth, and he said that the ordinance is not being rewritten and he's not sure why I was told that, and I have been in contact with him since then.

AUDIENCE PARTICIPATION (cont'd):

Mr. Gallagher – Well, what I would suggest we do is, what the Mayor would say is Mr. Biondillo, after our meeting, will meet with you and clear that up.

Cheryl Sobek – Okay. Thank you.

Mr. Gallagher – Okay? Thank you. Is there anyone else in the audience wishing to speak to Council this evening? Mr. Vassil, welcome.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. If I recall correctly, a couple years ago when AT&T decided to put these monsters in our areas, they were going to maintain them. Am I correct in that? I'm talking about the landscaping, I'm talking about the weeds.

Mayor Perciak – Mr. President.

Mr. Gallagher – Mayor.

Mayor Perciak – I think the Law Director can answer that...

Mr. Gallagher – Mr. Kraus.

Mayor Perciak - ...because there was a whole long discussion on it.

Mr. Kraus – Well there was, Mr. Mayor, Mr. President, Mr. Vassil. During – We had discussions with AT&T when we were attempting to negotiate an agreement with them; however, prior to us reaching a resolution between the City and AT&T, you'll recall that the State of Ohio passed a statewide franchising law, which we were not in favor of, but which we and these companies have to live by. And while the City has made every effort that it can through its Planning Commission and any other avenue available to it, there was not an absolute commitment by AT&T in writing with respect to preservation of the landscaping. They were going to install it, they were going to do the best that they could, these issues were discussed at Planning Commission, they were discussed with the City's Coordinator of Natural Resources. But I think it would be a mischaracterization, if you will, to indicate that there was an absolute representation or promise by them to maintain it and, to the best of my knowledge, there is no such requirement under the statewide franchising law. This municipality, as others, you need to understand, have lost control, if you will, over this process because the state has intervened and has usurped our authority with respect to what had heretofore been on franchise agreements. So, that's really the lay of the land at this point with respect to that issue.

Bill Vassil – The one I am talking about is at Shurmer.

Mayor Perciak – Well...

Bill Vassil – I know you've seen it, Mayor.

AUDIENCE PARTICIPATION (cont'd):

Mayor Perciak – It is, and I agree with you, and the Law Director is being a bit too polite. We have done everything we could with them to hold them accountable and basically they just read us the law, as the Law Director pretty much reinforced it. Our hands are tied in these easements; these easements were granted years and years and years ago, giving them a right to do pretty much...

Bill Vassil – To do what they want.

Mayor Perciak – We would talk with them, but between police and fire or (unintelligible) people's ingress and egress and all that other stuff, we really took part on that, but the (unintelligible)... They planted them.

Bill Vassil – Oh yeah, they died right away.

Mayor Perciak – Because they were not taken care of.

Bill Vassil – Yeah, and the weeds are growing up all the way around. Mr. President, Mr. Walker, I want to compliment him on getting to work on Shurmer Road and fixing the bad spots that have collapsed over the last couple years. Now Mayor, you run around on Saturdays and Sundays into all areas, I'll give you one right away - Deerfield off of Partridge.

Mayor Perciak – Okay.

Bill Vassil – Drive over it with your car, I guarantee that you will vibrate, it's that bad. And then my street after that. But that's not going to happen.

Mr. Haseley – Mr. Vassil, I wish you wouldn't sneak up on Joe that way because we need him. I don't want...

Bill Vassil – Well, I don't want him to have a heart attack, but you know. (Unintelligible).

Mr. Gallagher – Thank you, Mr. Vassil. Is there anyone else wishing to speak to Council this evening?

(No comments)

ORDINANCES AND RESOLUTIONS:

Resolution No. 2009-115 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING 1.5 MILL TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES OF THE CITY OF STRONGSVILLE PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19(A) AND 5705.191, REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, AND DECLARING AN EMERGENCY.

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

ORDINANCES AND RESOLUTIONS (cont'd):

Resolution No. 2009-115 (cont'd):

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-115 ADOPTED.

Resolution No. 2009-116 by Mr. Dooner. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

First reading. Referred to Finance Committee.

Resolution No. 2009-117 by Mayor Perciak and All Members of Council. A RESOLUTION REPEALING RESOLUTION NO. 2009-066 CONCERNING CERTIFICATION OF INFORMATION FOR A POSSIBLE RENEWAL LEVY IN CONNECTION WITH SOUTHWEST GENERAL HEALTH CENTER.

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-117 ADOPTED.

Ordinance No. 2009-118 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A NON-EXCLUSIVE PARTIAL ASSIGNMENT OF EASEMENT AGREEMENT TO VAM, LTD. FOR SANITARY SEWER PURPOSES, AND DECLARING AN EMERGENCY.

First reading. Referred to Planning Commission and to the Planning, Zoning and Engineering Committee.

Ordinance No. 2009-119 by Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RELEASE AND VACATION OF AN EXISTING WATER MAIN EASEMENT AND TO ACCEPT A GRANT OF EASEMENT FROM VAM, LTD. FOR THE INSTALLATION AND MAINTENANCE OF A WATER MAIN FOR SUPPLYING WATER SERVICE IN THE CITY OF STRONGSVILLE, IN CONNECTION WITH VAM, LTD. SUBDIVISION AND THE PLAZA AT SOUTHPARK PROJECT, AND DECLARING AN EMERGENCY.

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-119 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-120 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RELEASE OF AN EASEMENT AND ACCEPT A NEW GRANT OF EASEMENT FOR THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, OPERATION AND REPAIR OF A STORM SEWER SYSTEM FROM TODD WELSH AND JUDY WELSH IN CONNECTION WITH PROPERTY LOCATED AT 14340 CASTLEREAGH LANE (SUBLOT 43, PERMANENT PARCEL NO. 398-17-038) IN THE AVERY WALDEN RESERVE SUBDIVISION, PHASE 2, AND DECLARING AN EMERGENCY.

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-120 ADOPTED.

Resolution No. 2009-121 by Mayor Perciak and Mr. Coyne. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR CULVERT REPLACEMENT IN CONNECTION WITH THE WESTWOOD DRIVE CULVERT REPLACEMENT PROJECT IN THE CITY OF STRONGSVILLE.

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-121 ADOPTED.

Resolution No. 2009-122 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY TO APPROPRIATE A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 16488-16524 PEARL ROAD (PART OF PPN 393-34-005), IN CONNECTION WITH THE CITY'S ROUTE 42 (PEARL ROAD) WIDENING AND IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. [Pearl Echo, LLC]

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-122 ADOPTED.

Resolution No. 2009-123 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY TO APPROPRIATE A TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 17112 PEARL ROAD (PART OF PPN 393-37-052), IN CONNECTION WITH THE CITY'S ROUTE 42 (PEARL ROAD) WIDENING AND IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. [JDE Properties]

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

ORDINANCES AND RESOLUTIONS (cont'd):

Resolution No. 2009-123 (cont'd):

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-123 ADOPTED.

Resolution No. 2009-124 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY TO APPROPRIATE FEE SIMPLE INTERESTS AND TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 16847 AND 16851 PEARL ROAD (PARTS OF PPNs 397-09-012 AND 397-09-008), IN CONNECTION WITH THE CITY'S ROUTE 42 (PEAR ROAD) WIDENING AND IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. [Colabianchi]

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Resolution No. 2009-124 ADOPTED.

Ordinance No. 2009-125 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST AND A TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 17253 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Cooke)

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: Ayes: Haseley, Daymut, Coyne, DeMio, Dooner, Gallagher.

Nays: Roth.

Motion carries.

Ordinance No. 2009-125 ADOPTED.

Ordinance No. 2009-126 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR FEE SIMPLE INTERESTS, PERMANENT EASEMENTS FOR STORM SEWER PURPOSES, AND TEMPORARY WORK EASEMENTS FOR REAL PROPERTY LOCATED AT 17384 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Prell)

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-126 ADOPTED.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2009-127 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR FEE SIMPLE INTEREST, A PERMANENT EASEMENT FOR STORM SEWER AND WATER QUALITY STRUCTURE PURPOSES, AND TEMPORARY WORK EASEMENTS FOR REAL PROPERTY LOCATED AT DRAKE AND PEARL ROADS IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Prell)

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-127 ADOPTED.

Ordinance No. 2009-128 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR PUBLIC RIGHT-OF-WAY PURPOSES (PERMANENT HIGHWAY EASEMENT); A GRANT OF EASEMENT FOR OPEN DRAINAGE CHANNEL PURPOSES; AND TEMPORARY EASEMENT AGREEMENTS FOR CONSTRUCTION PURPOSES, ALL FOR REAL PROPERTY LOCATED AT 16580 PEARL ROAD (PART OF PPN 393-34-019) IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Kast Ventures, LLC]

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

Motion for adoption by Mr. DeMio, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-128 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

None.

MISCELLANEOUS BUSINESS:

None.

ADJOURNMENT:

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:44 p.m.

Signature on File
Leslie J. Seefried, MMC
Clerk of Council

July 20, 2009
Date of Approval