

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON OCTOBER 5, 2009

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Monday, October 5, 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, Supervisor of Budget and Management Joseph K. Dubovec, 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, Human Resources Director Anthony Urankar, Deputy Police Chief James Kobak and Fire Chief Robert Moody.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering: Chairman Coyne advised that Ordinance No. 2009-155, proposing to amend the City's sign regulations, received a favorable recommendation from the Planning Commission on September 24th; therefore, the Ordinance would be placed on second reading this evening and a public hearing set for November 16, 2009. Chairman Coyne recommended suspension and adoption for Ordinance 2009-201, amending the Master Sign Program for Westfield Shoppingtown Southpark Mall in connection with the Remax Crossroads sign. He also recommended suspension and adoption for Ordinance No. 2009-202, approving and authorizing the Mayor to enter into a contract for installation of a sanitary sewer lateral at 12718 Webster Road in connection with an easement for the Webster/Blazey Sanitary Sewer Project, without public bidding. He noted that this Ordinance needs a unanimous affirmative vote for passage.

Public Service and Conservation Committee: Chairman Haseley stated every ordinance in his committee this evening is in connection with the Pearl Road Widening Project; either to purchase land for temporary work easements or for permanent easements. He recommended suspension and adoption for all of said ordinances, being Ordinance No. 2009-203, 2009-204, 2009-205, 2009-206, 2009-207 and 2009-208. Mr. Haseley noted that the purchase price in connection with Ordinance No. 2009-207 does not exceed the appraised value. Chairman Haseley stated two additional ordinances dealing with the Pearl Road Widening Project were distributed to Council members this evening for possible addition to the agenda, Ordinance Nos. 2009-211 and 2009-212; suspension and adoption is the recommendation for both. Mr. Haseley commented that if all of these ordinances were passed tonight, we would have about 98% of the acquisitions concluded. He stated there might be a couple more at the next meeting that would complete the acquisitions, and then the engineering work will begin.

Finance Committee: Chairman Dooner recommended first reading for Ordinance No. 2009-209, making appropriations for the current expenses and other expenditures of the City for the year 2009, and repealing Ordinance No. 2009-179.

Recreation and Community Services Committee: Chairman Gallagher recommended suspension and adoption for Ordinance No. 2009-210, authorizing an addendum to lease agreement with the Strongsville Soccer Association, Inc. to add additional acreage to the premises leased by the City.

Economic Development and Technology Committee: Chairman Daymut stated the contract for the Business Retention and Expansion Initiative with Cleveland State University is up; he would like Council's consideration to renew the contract at the cost of \$1250 for one year, which is the City's member rate, plus an additional \$39 to update the software. This amount was included in Council's budget for 2009. Council approved this request. Mr. Daymut announced that the Start-up and Management Guide for Small Businesses is now online, on the front page of the Economic Development page of the City's website. Mr. Daymut feels this is a great new resource for small businesses. He thanked the Administration and his committee members for working diligently over Council's recess on the guide. He stated he would go into more detail in his report on the floor.

Mayor Perciak stated an executive session is necessary. Law Director Kraus stated the purpose of the executive session would be to discuss collective bargaining and personnel matters.

Councilman DeMio moved, seconded by Councilman Coyne, to adjourn from open session into executive session [Article XI, Section 9, City Charter] for the purpose of discussing collective bargaining and personnel matters. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:40 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Law Director Kraus and Human Resources Director Urankar. Motion was made by Mr. Gallagher and seconded by Mr. DeMio to conclude the Executive Session and reconvene in open session. All members present voted aye and the motion carried. The executive session concluded at 7:51 p.m.

**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON
OCTOBER 5, 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.

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; Joseph K. Dubovec, Supervisor of Budget and Management; Joseph M. Walker, Service Director; Anthony J. Biondillo, Building Commissioner; Ken Mikula, City Engineer; Steve Kilo, Recreation Director; John Bedford, Communication and Technology Director; Anthony Urankar, Human Resources Director; James Kobak, Deputy Chief of Police; and Robert Moody, Chief of Fire.

Motion by Mr. DeMio, second by Mr. Coyne, to amend the agenda by adding Ordinance Nos. 2009-211, 2009-212, 2009-213 and 2009-214. All members present voted aye and the motion carried.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of September 21, 2009 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

None.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth: Thank you, Mr. Gallagher. I attended the last System Board Meeting last week and there was a lot happening. There are several large construction projects going on at Southwest General right now, which many of them I have mentioned already. But there was a lot of debate. For the first time – well, there is always debate, but there was a very interesting debate and it was over a motion made to recommend a change in residency requirements to permit up to three trustees at large who may be individuals who do not reside in the taxing district of the hospital. And with the nomination of these individuals, the Board presented information that any individual has specific qualifications working for an entity in the taxing district. In other words, they were trying to say that they could sit on the Board and vote, even though they didn't belong to a taxing district. And that motion, fortunately, went down, thirteen to eleven, after much debate. Also, a motion was made and Southwest General is moving forward with the conversion of the Brunswick Urgicare into a temporary full-service emergency department, and that would be a new 8,000 square foot emergency department in Brunswick, and that motion passed. And that's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. Any questions for Mr. Roth?

(None)

Mr. Gallagher – Mr. Roth, I appreciate your diligence, I'm sure, in dealing with the hospital in Brunswick. And I will just say for the record, keep your eyes on what they're doing with Brunswick. We pay almost five hundred thousand dollars in tax dollars here in Strongsville for that hospital, for what, I still question. And now, an emergency room in Brunswick, an Urgicare in Brunswick, a hundred thousand dollar skateboard park in Brunswick, and they tried (unintelligible) three voting individuals from Brunswick, and I'm getting a little sick and tired of this and we're going to keep a real, real close eye on Southwest General and their practices, expanding under the guise of University Hospital. This is supposed to be our community hospital, they've taken the word community out and it drove me crazy when they did that, and they're trying to compete with the Cleveland Clinic and they can't beat King Kong, and they're out there trying to do it and they expanded to Brunswick specifically to do this. I kept my mouth shut about this for a long time and I personally have had it. So thank you, Mr. Roth, I'm certain I know which way you voted on that.

REPORTS OF COUNCIL COMMITTEES (cont'd):

SCHOOL BOARD – Mr. Roth: Thank you, Mr. Gallagher. I gave a report after the last School Board meeting, there hasn't been one since, so another report will be forthcoming after the next School Board meeting.

Mr. Gallagher – Questions for Mr. Roth?

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: This evening we have one Ordinance on the docket, 2009-210, it is extending the lease for additional land to the Strongsville Soccer Association for more fields over there for the kids; recommendation is suspension and adoption. I will take any questions.

(No questions)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you Mr. Gallagher. I have numerous ordinances on tonight's agenda, all of them dealing with the widening of Pearl Road, in one form or another. I am going to ask that all of these that I'm going to name be suspended and adopted. We are very close to being one hundred percent on these and that will put us in a favorable position once that happens to continue with engineering work, will really get going. The first one is Ordinance 2009-203, as I said, suspend and adopt; 2009-204, suspend and adopt; 2009-205, suspend and adopt; 2009-206, suspend and adopt; 2009-207, suspend and adopt; 2009-208, suspend and adopt; and two of the add-ons, 2009-211, suspend and adopt; and Ordinance 2009-212, likewise, suspend and adopt. That concludes my report, and I will be happy to answer any questions if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just to clear the record with a brief statement. You know, I'm all for widening Pearl; I'm all for spending a good, understandable chunk of money to widen Pearl. But, as I said many times, I'm doing my Pontius Pilate on these votes because these are outrageous, outrageous prices we're granting a few individuals along Pearl. Try to get fifty or sixty thousand dollars for a hundredth of an acre or a...

Mr. Gallagher – Mr.... Mr.... Mr. Roth.

Mr. Roth - ...tenth of an acre.

Mr. Gallagher – Mr. ...Mark.

Mr. Roth – So that's why I'm voting against them.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – I understand, and I appreciate where you're coming from. Your numbers have not been substantiated in any way, you've said this before, we've had discussions about it. You – I mean, you can say what you want, but you can't back it up and I would appreciate it if you had some hard facts and figures, and you can't produce them. What we're doing is following strictly what the state instructs us to do. We have independent appraisers, we're paying the appraised amount; in some instances, to move it forward, we're paying a little bit more, not much. It's not a hundred thousand dollars an acre, not fifty thousand dollars an acre, I don't know where you're getting those numbers from, we are paying what is owed to the people to move the City forward and to modernize, quite honestly, my section of town and Mr. Haseley's section of town. If this were happening in your section of town, I would be hearing nothing. Mark, please, if you have something to substantiate it, fine; if you don't, I understand your vote, that's fine.

Mr. Roth – Mr. Gallagher, it's all within the ordinance.

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: Thank you, Mr. Gallagher. This committee has no ordinances or resolutions before it. I just want, again, to commend the work of the police station and commend the Mayor and the Police Chief and thank them for allowing us to be there a few weeks ago and allowing the folks from the media to go in, as well, because this Administration and the Police Department wants everyone to feel that they can look at the facility, see what's going on; it is a great, great asset to our community.

The other thing I'd like to say, we will be calling a committee meeting, we will be talking about texting information to the Police and Fire; I do have to meet with the Mayor and his technology group before we have that meeting, so when I do that, I will then call a meeting for the Safety Committee. But I will field questions other than that, if there are any, from the rest of Council. Otherwise, I close, Mike.

Mr. Gallagher – Thank you, Mr. DeMio.

PLANNING, ZONING AND ENGINEERING – Mr. Coyne: Thank you Mr. Gallagher. The Planning, Zoning and Engineering Committee met this evening with the following recommendations: 2009-155 we're going to place on second reading and have a public hearing on November 16, 2009; 2009-201 we're going to suspend and adopt; and 2009-202 we're going to suspend and adopt. If there are any questions, I'll be more than glad to answer them.

Mr. Gallagher – Questions for Mr. Coyne?

(None)

FINANCE - Mr. Dooner: Thanks, Mr. Gallagher. All we have this evening is Ordinance 2009-209, we are going to put that on first reading.

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

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: Thank you, Mr. Gallagher. We have no ordinances or resolutions on this evening's agenda. I will report from our meeting of Monday, September 28, briefly. We opened up with the Business Network breakfast meeting of September 24, in review of that. Again, we'd like to thank Dollar Bank for sponsoring that breakfast, and Reggie Langhorne, great speaker who was enjoyed by all; I've gotten a lot of good positive comments from the people who did attend that particular meeting. And I'd like to say that we had our – probably one of our most aggressive responses of any of our meetings, at about 179, so we appreciate that. At that particular meeting we did discuss January 14 as possibly our next meeting date for our breakfast meeting. At the meeting also we discussed what's called enhancement to bridges. We have a resident here who is very active in seeing if something can be done with our Whitney Road Bridge and our 82 bridge to give us some – at least some recognition to the City of Strongsville. We received a Tech Committee report from Ed Oliveros, who attends our meetings in the county on our behalf. I'd like to also announce we finished our final analysis of our start-up guide for small businesses. It's a start-up and management guide for small business. I'd like to thank the Mayor, Gene Magocky, Brent Painter and our committee members, both our business partners and our residents worked on this diligently over our break. It can be found on strongsville.org; you go to the Economic Development page and on that page you will find a jump-off there for the start-up and management guide for small business. We see this as another tool to help our business partners succeed, which is really the goal of our committee. We also received the retail vacancy report, Ben Stankewicz has worked on that diligently, and we will have more information in the future on that. During also – from our last meeting in July till September we did tour Midpoint Campus Center; this is a joint venture between the University of Akron and Lorain Community College, and we have agreed it was a great tour, they have a beautiful facility there, it's right on the border of Strongsville and Brunswick at Boston and Pearl Road, and we are going to schedule in a tour for GLIDE, which will also help our small business partners here that want to start new businesses, whether they be in the retail end of it or in the manufacturing end of it. We also received a report on our new businesses locating here in Strongsville. I'd like to thank the Mayor, he's been very aggressive about convincing people to locate here and it really helps our tax base out tremendously.

Our next meeting will be October 26 at 7 p.m. here at the Communications Center.

That's all I have, 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. Just two items within this committee. First, we're still waiting over in Ward 3 for Marks Road to be completed for the fall.

Mayor Perciak – Starting today.

Mr. Roth – Starting today, Mayor?

Mayor Perciak – Started.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Roth – Okay. I hope they're not misleading us again like...

Mayor Perciak – It's not in our City. All we can do is work with the trustees in Columbia Station.

Mr. Roth – Okay. Well, you know, they told both of us July 10th, August 10th and September 10th.

Mayor Perciak – I understand that, but it's not in our City.

Mr. Roth – Well, I just raise it because people are suffering, Mayor, that's why I'm voicing it.

And then the other item is Mrs. Bailey. For months and months she had an agreement, they filled – The agreement was to put a swale to protect her property, put a fence in when they put the large raised homes all around her so she didn't get flooded out. For months we've been engineering, re-engineering. I don't understand this re-engineering because in most cases if someone dumped three feet of dirt in a swale for a long stretch of land, we would go in there and rip it out the next day.

Mr. Gallagher – Mark, did you file a request for action on that?

Mr. Roth – I'm still waiting. You know, when I bring this up, it's like every two weeks.

Mr. Gallagher – Did you – You filled one out?

Mr. Roth – Yeah.

Mr. Gallagher – Mr. Mikula?

Mr. Mikula – Yes, we're still working on trying to get that resolved.

Mr. Gallagher – Do you have any indication when...

Mr. Mikula – We got a letter and some plans this afternoon.

Mayor Perciak – Mr. President, Mr. Mikula, Mr. Roth. We're in contact with the developer/the builder, also the person who allegedly built the mound there. We are trying to resolve this amicably and that's all we can do. There is not much else we can do but lean on them and insist that that mound be removed and according to the specs submitted to the Engineering Department during the time of the construction. We are asking them to do this and if they don't do it, we will pursue another course. But at this point, we would rather see their cooperation, rather than continually get into a battle with them if we don't have to.

Mr. Gallagher – Thank you. Mark, (unintelligible).

Mr. Roth – Okay.

Mr. Gallagher – Anything else, Mark?

Mr. Roth – That's it.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – Questions for Mr. Roth?

(None)

COMMITTEE OF THE WHOLE – Mr. Gallagher: This evening there is no legislation.

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

Mayor Perciak – Yes, thank you Mr. President. The first thing I'd like to bring up is, I understand Mr. Roth's concern about Pearl Road, but I think everybody at home needs to understand that this Administration and this Council has done their work in accordance with the Ohio Revised Code and the laws and the ordinances of the City of Strongsville. First of all, we do have – we have hired an outside appraisal firm by the name of O.R. Colon and Company to do the original appraisals. The second step was to hire an independent review appraiser so that the numbers submitted by the original appraiser are accurate. If they weren't, the independent review appraiser needs to get with the original appraiser and settle their differences. The third step in this process is, those appraisals then have to be submitted to ODOT for their review. So, there is a process that we have to follow here. None of us up here, including the Engineer, myself, or anybody from my Administration sets the guidelines and the policies as to how this is to be handled. Now, as I announced earlier, when this project was scheduled to begin, our City has been fortunate enough at the present time to receive approximately twelve million dollars in grants to help complete and build this road. Now, you're asking, why approximate? Because we don't have the final bids in yet. Once the project goes to bid and we receive the actual bids from whoever, and of course, in this business, the lowest and best is awarded the contract, usually. At that time, all the different agencies that have stepped up to the plate for grant dollars will then confirm the final dollar that they are giving us. Now, I just want to assure everybody here and everybody at home, state dollars from the Safety Fund are being used for this project, approximately five million dollars. So, ladies and gentlemen, if for some reason the State of Ohio or ODOT or any of its agencies or any of the other grants that are being given to us, at the county level, at the state level or any of the others, saw that this was in any way out of line, I'm sure they would have withdrawn their grants. So please, we have done our homework and we will continue to do our homework. Now, the last piece of this pie, the last piece of this financing for Route 42, we are going to go to the bond market and we are going to use what we call our TIF dollars to service this debt. The objective of this Administration and this Council has always been and will continue to be to deliver Route 42 at no cost to our local residents. I want to make that clear, that is our objective. Now, we may get a little derailed here and there, but that is our objective. And at no point, at no point will we be using any dollars from the General Fund that affect City services to build that road. I want to make that crystal clear to everybody here and I hope everybody finally understands that because I'm tired of hearing about the price. We don't do things just to do things, we do it right, and we do it right the first time. That's enough on the road.

The next thing I'd like to say is that Christmas is coming. It has nothing to do with the road. But we are sending out letters to all of our local businessmen in town here and our residents and family members to help us support our lighting of the Commons. So I ask everybody to please, when you receive your letter, consider all the smiles you put on the little ones' faces by bringing Santa Claus and the elves and the reindeer here into our center of town during Christmastime. So, I would ask that you do that.

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

Mayor Perciak (cont'd) – And lastly, usually at this time of year I try to sponsor a hayride and a hot dog roast at the Chalet, and I'm going to do so again a week from tonight from six o'clock on, at the Chalet in the Metroparks. So please come, it's free, bring your families and come enjoy an evening with us or a few hours with us, whatever you think. So that's next Monday, from six to nine at the Chalet. That ends my report, Mr. President.

Mr. Gallagher – Thank you, Mayor. Any questions for the Mayor?

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Mayor, just, I realize none of that money is coming out for the road from our General Fund. But remember, that money coming from the state to pay for the road is our tax dollars and we're using that big bucks from our tax dollars to pay for that sliver of land along Pearl Road, the ten, fifteen feet.

Mayor Perciak – Mr. President, Mr. Roth. If you could submit to me in writing a better methodology to accomplish this goal, I wish you would. Because I know of no other, and we have done our best to make certain that we open up that Route 42 corridor so that we can bring all our residents home safely at night into their subdivisions and also bring men and women to work in our business parks every day. Now, come up with a different methodology and I will be happy to listen to it. Thank you.

Mr. Roth – I'll be glad to share that with you.

Mayor Perciak – Put it in writing.

Mr. Roth – I will.

Mr. Gallagher – Are we done, gentlemen? Mayor, didn't we just retire a bond that was used to pave side streets in the City recently?

Mayor Perciak – Mr. President, we didn't retire it, we had to – in my terms, we had to renew it, we had to refinance it, because it still wasn't paid for. And that was, I think, approximately twenty years old when we rolled that in.

Mr. Gallagher – So we went from bonding out things that we should have been doing to now building a road with no money from the General Fund.

Mayor Perciak – Correct.

Mr. Gallagher – Mark, I think we're leaps and bounds ahead right now. So, provide the Mayor with that information and all of us I think would appreciate it.

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

FINANCE DEPARTMENT - Mr. Dubovec: Thank you, Mr. President. The Finance Department, I just want to report that we are still waiting for the State Auditor's Office to release our 2008 Audit Report. We were told by the Auditor of State that it will be done in the next couple weeks, and that will go a long way in our planning for this new bond issue forthcoming with the TIF dollars, it will be very helpful. And that will be – that's about it.

Mr. Gallagher – And do want to give us the magic...

Mr. Dubovec – Oh, I have to do that here? Oh, okay, I didn't...

Mr. Gallagher – ...the magic Batke verbiage? Did he give you a cheat sheet for this?

Mr. Dubovec – Yes, he did.

Mr. Gallagher – Right, I thought he would.

Mr. Haseley – We all can recite it with you.

Mr. Dubovec - Funds will be available for all ordinances and resolutions on this evening's agenda requiring certification of funding and up for adoption.

Mr. Gallagher – Very good. Questions for Mr. Dubovec?

(None)

LAW DEPARTMENT – Mr. Kraus: Yes, Mr. President, just a few items. The Ohio Supreme Court has issued a very important decision for the municipalities and their insurance carriers in Oliver versus Cleveland Indians Baseball Company. The court has upheld the constitutionality of a very important item under what we call tort reform that limits by statute the amount of damages that anyone can recover against a municipality or other political subdivision or entity to two hundred fifty thousand dollars, even if the jury were to come back with an amount in excess of that two hundred fifty thousand dollars. So our Supreme Court of Ohio, in a five to two decision, has ruled that that cap is absolute and is constitutional.

I would also like to report on a litigation matter that does involve specifically the City of Strongsville, Daniel Roth versus a number of members of the Police Department and other parties, that the United States District Court, Judge Oliver, has ruled in favor of the City, at least in part, on our motion for judgment on the pleadings and has limited the legal issues that will go forward to trial in that particular matter.

As a housekeeping matter, due to the Columbus Day holiday on the 12th, we would appreciate it very much if all requests for legislation are lodged with the Law Department by this Wednesday, October 7.

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

Mr. Kraus (cont'd) - I would also like to report on September 8 this Council entered a conditional objection to a request for a liquor permit to 16888 Pearl Road, Zig's Pub and Grille Bowling Alley, and I have a memo now in my hands from the Building Commissioner, Mr. Biondillo, dated October 2, indicating that his department has approved the facility and, therefore, assuming there is no further objection by this Council, we would ask that the Clerk of Council withdraw that objection formally with the State of Ohio Department of Liquor Control.

And finally, I would like to indicate 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 – This is the portion of our agenda where we have time for the citizens to come talk to Council if you have any concerns or questions for us, or comments. You have five minutes; if you would give us your name and address when you approach the podium, we would love to hear from you. There is no one signed in; but our standard-bearer, Mr. Vassil.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive, Strongsville. It's been a long time since I agreed with you, Mr. Gallagher. We're getting shafted.

Mr. Gallagher – Well, that would be never, so.

Bill Vassil – Well, like I said, it's been a long time. I think you're absolutely right, I think Southwest is stepping on our toes; they've done this right along. And, also, Brunswick. I mean, we're widening our roads so Brunswick can use it. Now, you're going to pave Howe Road, and guess who's going to use it? Brunswick. Isn't it time we put pressure on the State of Ohio to put that interchange in? It would help us at night when they're lined up for two miles to get off of 71, and the majority of that, going up the hill. What can we do to push it? Anything? Mayor?

Mr. Gallagher – I'll tell you, Mr. Vassil, since I've been out here, and those members on this Council have been here a lot longer than I, that is just not going to happen, as far as I can see, not in our lifetime. Well, maybe with county reform, maybe if we got someone out here speaking for the people with Cuyahoga County, maybe we'd have a little bit more sway. But you're dealing with Medina, Cuyahoga; the Mayor of Cleveland has lots of – lots of power in making the change in...

Bill Vassil – Well, they had a lot of power, too, when we had that meeting here about widening I-71 from Pearl Road. And didn't we get it? They came out here and said it's not feasible, we shouldn't do it. As soon as we got it done here, everybody started to widen 71, all the way down to Columbus. All of -- 77's started widening now. But we did it right here. We told them they were nuts and we were right. And it did help us. But it would help us a lot more to have that interchange.

AUDIENCE PARTICIPATION (cont'd):

Mr. Gallagher – No question.

Bill Vassil – A lot. Oh, we should get their license plate taxes then, to help us.

Mr. Gallagher – I don't disagree. Although, let's make it clear, we love our friends and neighbors from Brunswick, it's just, some of the...

Bill Vassil – No we don't.

Mr. Gallagher – ...some of the recent shenanigans.

Bill Vassil – Don't say that. That's you. Don't be saying that kind of stuff.

Mr. Gallagher – Is there anyone else?

Lois Bailey, 22636 Westwood Drive, Strongsville – Lois Bailey, 22636 Westwood Drive. I just want to know, Mayor, if there is a timeline on when we are going to be able to solve this problem amicably.

Mayor Perciak – Mrs. Bailey, there is not a timeline. I'm trying to work with them. Let me put it to you this way. All these builders and developers today are almost – I'm not going to say impossible to deal with, but their resources are very limited. We want them to cooperate with us and we are going to do our very best to make them come to the table and face up to this. We are also going to – we also placed a call today to who we believe was the landscaper who did this. And we don't disagree that it's got to be corrected, it will be corrected sooner or later, but much sooner than later, yes.

Lois Bailey – Okay, I just – you know, I'm just very, very concerned that the water is going to be diverted onto my property and it's going to become a lake. I've owned that property for twenty-six years.

Mayor Perciak – Right.

Lois Bailey – And I know how the water flows. What they had originally done with making the swale was wonderful; the water flowed, it went where it was supposed to go, I didn't have a problem because I never had a problem before. But this whole scenario has just become a nightmare and I don't want it to become, you know, something that I can't live with. So...

Mayor Perciak – Believe me, we don't want water going where it's not supposed to go. That is the problem we used to have here in this town for many years; we've corrected most of those issues and we want to make certain that we're on the right side of that. So, we will – the Engineer and I, we'll delve into this, I will again place a call to the developer myself tomorrow.

Lois Bailey – Okay, thank you.

Mr. Gallagher – Thank you. Anyone else?

AUDIENCE PARTICIPATION (cont'd):

Todd Hatch, 22706 Westwood Drive, Strongsville – Hello, my name is Todd Hatch; I live next door to Lois Bailey, 22706 Westwood. I've been here since '99, bought the house off of Mrs. Bailey and to the developers a few years later, what was it, 2002? But, my concern is not only the water, but just they'd actually come on to my property with this hill. When the fence was put in, it was put in – my understanding was six inches onto my property line. This – So my fence is here and the hill comes right up to it. So I have this hill actually resting up and bowing out my fence now, and I've got stuff sticking out underneath it that went into a flower garden that we have and it's just, you know, it's not a water issue, but it's, hey, you know, you guys came actually onto my property and did this and, you know, we're just looking for answers.

Mayor Perciak – You didn't give them a right of entry, an easement; they just did it?

Todd Hatch – They just did it.

Mayor Perciak – Okay.

Mr. Gallagher – Anyone else?

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2009-155 by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING EXISTING CHAPTER 1272 AND ENACTING A NEW CHAPTER 1272 OF TITLE SIX OF PART TWELVE OF THE PLANNING AND ZONING CODE OF THE CITY'S CODIFIED ORDINANCES CONCERNING SIGN REGULATIONS; REPEALING EXISTING CHAPTER 1264 OF TITLE SIX OF PART TWELVE OF THE PLANNING AND ZONING CODE CONCERNING PLANNED RECREATION DEVELOPMENT AREAS IN ITS ENTIRETY; AMENDING EXISTING SECTION 822.06 OF TITLE TWO OF PART EIGHT OF THE BUSINESS REGULATION AND TAXATION CODE; AMENDING SECTION 1210.08 OF TITLE TWO OF PART TWELVE OF THE CODIFIED ORDINANCES; AMENDING SECTIONS 1252.02, 1258.02, 1258.03, 1258.04, 1258.05, 1258.06, 1258.11, 1258.27, 1260.02, 1260.09, 1262.02, 1262.03, 1262.04, 1262.05, 1262.12 AND 1268.10 OF CHAPTERS 1252, 1258, 1260, 1262 AND 1268 RESPECTIVELY OF TITLE SIX OF PART TWELVE OF THE PLANNING AND ZONING CODE REGARDING SIGN REQUIREMENTS. *1st rdg: 09/08/09; referred to Planning Commission. Favorable recommendation by Planning Commission on 09/24/09.*

***Second reading. Referred to Planning, Zoning and Engineering Committee.
Public Hearing set for November 16, 2009.***

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-201 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING THE MASTER SIGN PROGRAM FOR WESTFIELD SHOPPINGTOWN SOUTHPARK MALL (FORMERLY SOUTHPARK CENTER), AND DECLARING AN EMERGENCY. (*Remax Crossroads*)

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. 2009-201 ADOPTED.

Ordinance No. 2009-202 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR INSTALLATION OF A SANITARY SEWER LATERAL AT 12718 WEBSTER ROAD IN CONNECTION WITH AN EASEMENT FOR THE WEBSTER/BLAZEY SANITARY SEWER PROJECT IN THE CITY OF STRONGSVILLE, WITHOUT PUBLIC BIDDING, 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. 2009-202 ADOPTED.

Ordinance No. 2009-203 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, A TEMPORARY WORK EASEMENT AND TO GRANT A REVOCABLE LICENSE AGREEMENT FOR REAL PROPERTY LOCATED AT 19097 DRAKE ROAD (PART OF PPN 394-25-010) IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Kitson]

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: Coyne, DeMio, Dooner, Gallagher, Haseley, Daymut.

Nays: Roth.

Motion carries.

Ordinance No. 2009-203 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-204 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, PERMANENT EASEMENTS FOR HIGHWAY PURPOSES, AND A TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED ON PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Hunters Hollow Apartments 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: Ayes: Dooner, Gallagher, Haseley, Daymut, Coyne, DeMio.

Nays: Roth.

Motion carries.

Ordinance No. 2009-204 ADOPTED.

Ordinance No. 2009-205 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, A PERMANENT EASEMENT FOR STORM SEWER PURPOSES, AND A TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 17075 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [17075 Pearl Road, Ltd.]

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. 2009-205 ADOPTED.

Ordinance No. 2009-206 by Mayor Perciak and 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 16271 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Bishop of the Diocese of Cleveland]

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: Daymut, Coyne, DeMio, Dooner, Gallagher, Haseley.

Nays: Roth.

Motion carries.

Ordinance No. 2009-206 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-207 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST AND TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 17578-17980 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Pearl Drake, 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: Ayes: DeMio, Dooner, Gallagher, Haseley, Daymut, Coyne.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-207 ADOPTED.

Ordinance No. 2009-208 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, A PERMANENT EASEMENT FOR STORM SEWER PURPOSES, AND TEMPORARY WORK EASEMENTS FOR REAL PROPERTY LOCATED AT 16812 AND 16888 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Skufca]

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: Gallagher, Haseley, Daymut, Coyne, DeMio, Dooner.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-208 ADOPTED.

Ordinance No. 2009-209 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2009 AND REPEALING ORDINANCE NO. 2009-179.

First reading. Referred to Finance Committee.

Ordinance No. 2009-210 by Mr. Gallagher. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ADDENDUM TO LEASE AGREEMENT WITH THE STRONGSVILLE SOCCER ASSOCIATION, INC. TO ADD ADDITIONAL ACREAGE TO THE PREMISES LEASED BY THE CITY OF STRONGSVILLE, OHIO, 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. 2009-210 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-211 by Mayor Perciak and 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 16051 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Louco, Ltd.]

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: Coyne, DeMio, Dooner, Gallagher, Haseley, Daymut.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-211 ADOPTED.

Ordinance No. 2009-212 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, PERMANENT EASEMENTS FOR STORM SEWER PURPOSES, A PERMANENT EASEMENT FOR HIGHWAY PURPOSES, AND TEMPORARY WORK EASEMENTS FOR REAL PROPERTY LOCATED AT 15561, 15653 AND 15733 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Altenheim Properties, Inc.]

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: Dooner, Gallagher, Haseley, Daymut, Coyne, DeMio.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-212 ADOPTED.

Ordinance No. 2009-213 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT EXTENDING FOR ONE YEAR A COLLECTIVE BARGAINING AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 52 (BUILDING INSPECTORS), AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS AND THE CITY OF STRONGSVILLE, 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. 2009-213 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-214 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT EXTENDING FOR ONE YEAR A COLLECTIVE BARGAINING AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 52 (SERVICE WORKERS), AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS AND THE CITY OF STRONGSVILLE, 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. 2009-214 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

Application for Liquor Permit – NEW-C1-C2 To: Walgreen Co., dba **Walgreens 12014, 19980 W. 130th St.** Strongsville, OH 44136. (Responses must be postmarked no later than 10/19/2009)

Mr. Gallagher – There are no objections by Police or Building.

There were no objections by Council to the above application.

MISCELLANEOUS BUSINESS:

Mr. Gallagher – Under Miscellaneous Business, we have none. Although, one, two, three...

(Council Members and the members of the Administration sung Happy Birthday to Council Member Ray Haseley.)

Mr. Haseley – Thank you.

(Applause)

ADJOURNMENT:

There being no further business to come before this Council, Council President Gallagher adjourned the meeting at 8:48 p.m.

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

October 19, 2009
Date of Approval