

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON DECEMBER 7, 2009**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Monday, December 7, 2009 at 7:15 p.m.***

Present: Council Members: 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, Supervisor of Budget and Management Joseph K. Dubovec, Service Director Joseph M. Walker, Economic Development Director Eugene P. Magocky, City Engineer Ken Mikula, Building Commissioner Anthony J. Biondillo, Recreation Director Stephen F. Kilo, 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 recommended second reading for Ordinance No. 2009-234, amending the General Salary Ordinance to re-classify and amend the positions of Jailer Coordinator and Jailer in the Police Department. Suspension and adoption was the recommendation for Resolution Nos. 2009-237 and 2009-238, requesting the Cuyahoga County Auditor to advance funds to the City, and requesting the County Auditor to advance certain special assessments to the City, respectively. It was also recommended that Ordinance No. 2009-239, the 2009 appropriations ordinance, be suspended and adopted.

Mr. Dooner scheduled a Finance Committee meeting for Monday, December 14, 2009, at 7 p.m. with all members of Council and the Administration to review the proposed 2010 budget.

President Gallagher announced that he has scheduled a Committee of the Whole meeting for Monday, December 14, 2009, at 6 p.m. to discuss Ordinance No. 2009-253. It was decided that the Finance Committee meeting would begin immediately after the conclusion of the Committee of the Whole meeting.

Planning, Zoning and Engineering: In lieu of Chairman Coyne, President Gallagher recommended adoption for Ordinance No. 2009-224, authorizing grants of easements for storm sewer drainage system and culvert purposes in connection with the Bowman Drive Culvert Replacement Project. This Ordinance received a favorable recommendation by Planning Commission on November 19. Suspension and adoption was recommended for Ordinance No. 2009-240, authorizing and approving Change Order No. 2 (final) for an adjustment in the contract price between the City and Underground Utilities, Inc. in connection with the Webster Road/Blazey Trail Sanitary Sewer Project. Suspension and adoption was recommended for Ordinance No. 2009-241, accepting a grant of easement for Storm Sewer System Purposes in connection with the Strongsville Express Tire and Auto Project. It was recommended that Ordinance No. 2009-242, a proposed rezoning of property located at 9200 Pearl Road for a proposed Sheetz convenience store, be placed on first reading and referred to Planning Commission.

Public Service and Conservation Committee: Chairman Haseley recommended first reading for Ordinance No. 2009-243, repealing Ordinance No. 2009-060 and authorizing the Mayor to enter into a purchase agreement and temporary work easement for property located at 17910 Pearl Road in connection with the Pearl Road Widening Project. He recommended suspension and adoption for Resolution No. 2009-244, authorizing the advertising of bids for the purchase of ready mix concrete for use by the Service Department.

Building and Utilities Committee: Chairman Roth recommended suspension and adoption for Ordinance No. 2009-245, approving and authorizing the grant of a license to the Greater Cleveland Regional Transit Authority for use of public property on Pearl Road in connection with placement and use of a bus shelter with rights of ingress and egress. A discussion ensued about the new shelter and it was brought to the Building Commissioner's attention that the RTA drivers are still stopping at the Pearl Road and Westwood Drive (northbound) old bus stop. This backs traffic into the Pearl Road and Route 82 intersection and creates serious safety concerns for the City. Mr. Biondillo stated he would discuss this with his contact at RTA and request that RTA drivers be instructed to utilize the new bus stop north of Westwood Drive and the future shelter location for the stops.

Recreation and Community Services Committee: Chairman Gallagher recommended suspension and adoption for Ordinance Nos. 2009-246, 2009-247, 2009-248, 2009-249 and 2009-250, all dealing with entering into contracts without public bidding with various vendors for various food products and supplies for the Walter F. Ehrnfelt Recreation and Senior Center. It was the recommendation of the Recreation Director that, since no bids were received in most categories and existing contracts are about to expire, the City accept negotiated prices from various vendors for the various food products and supplies needed at the Center. Mr. Gallagher noted that a unanimous affirmative vote is required for adoption on each one of the aforementioned ordinances. Mr. Gallagher recommended suspension and adoption for Resolution No. 2009-251, authorizing the advertising of bids for the purchase of youth sports wearing apparel for use by the Recreation Department. He also recommended suspension and adoption for Resolution No. 2009-252, accepting the donation of a custom-made mobile reception desk from Justice & Company for use at the Recreation Center. Mr. Gallagher expressed Council's appreciation and gratitude for this generous donation.

Committee of the Whole: President Gallagher recommended that Ordinance No. 2006-237 be placed on fifth reading this evening and referred back to committee. He recommended that Ordinance No. 2009-253 be placed on first reading and reiterated that a meeting has been scheduled for Monday, December 14, for further discussion of the Ordinance. Mr. Gallagher recommended suspension and adoption for Resolution No. 2009-254, urging the State of Ohio to place a moratorium on oil and gas well drilling in heavily populated areas until amendments to the Ohio Revised Code with respect to drilling have been adopted.

Economic Development and Technology Committee: Chairman Daymut stated he would give a brief report of his last committee meeting during his committee report on the floor of Council.

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Councilman DeMio moved, seconded by Councilman Daymut, to adjourn from open session into executive session [Article XI, Section 9, City Charter] to discuss collective bargaining and personnel matters. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:31 p.m. with the following members present: Coyne\*, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Law Director Kraus, Finance Director Batke and Human Resources Director Urankar. Motion was made by Mr. DeMio and seconded by Mr. Coyne 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.

\* Councilman Coyne arrived at approximately 7:35 p.m.

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## **MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON DECEMBER 7, 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; Donald C. Batke, Finance Director; Joseph M. Walker, Service Director; Eugene P. Magocky, Economic Development Director; Anthony J. Biondillo, Building Commissioner; Ken Mikula, City Engineer; Stephen F. Kilo, Recreation 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 November 16, 2009 were approved as submitted.

### **APPOINTMENTS AND CONFIRMATIONS:**

None.

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth:** Thank you, Mr. Gallagher. Just wanted to state, just for everyone's edification, there are three major initiatives going live this month at Southwest General Hospital: A new emergency room in Brunswick, also, a new electronic medical records system, and they have a geriatric psych unit all going live this month at Southwest General Hospital. That's it, Mr. Gallagher.

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

(None)

**SCHOOL BOARD – Mr. Roth:** Thank you, Mr. Gallagher. And at the November 19<sup>th</sup> meeting Alyssa Moran was honored, and rightfully so, 2009 State Qualifier in Girls' Cross Country, and Mr. Colby Alexander, 2009 State Qualifier in Boys' Cross Country, were both honored. Also, the Boys' Soccer Team that got to the State Semi-Finals and really represented Strongsville well, they were honored, also. That's all, Mr. Gallagher.

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

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** Before Recreation this evening is Ordinance 2009-246, which is an ordinance to enter into a contract for bakery products at the Rec Center; Orlando Bakery is charging us \$5,600 for that. Ordinance 2009-247, also a contract for meat, fish and poultry at the Rec Center; 2009-248 is a produce contract with Serna; 2009-249 is for general foods and dairy products with U.S. Foods; and Ordinance 2009-250 is for general foods from Gordon Food Supply. All those are recommendation of suspension and adoption, and those are for the Senior Center and the Rec Center. Resolution 2009-251 is to advertise for bids for youth sports apparel for the year; recommendation is suspension and adoption. Resolution 2009-252 is to accept a donation of a reception desk from Justice & Company, and that was priced at \$6600, I believe, and we will gratefully accept that with suspension and adoption. I will answer any questions that you may have.

(No questions)

**PUBLIC SERVICE AND CONSERVATION – Mr. Haseley:** Thank you Mr. Gallagher; I only have two this evening: Ordinance 2009-243, place on first reading, back to committee; Resolution 2009-244 is to advertise for the purchase of ready-mix concrete for the Service Department, recommendation is to suspend and adopt. That concludes my report; I will answer any questions if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

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

**PUBLIC SAFETY AND HEALTH – Mr. DeMio:** Thank you, Mr. Gallagher. There is nothing before this committee to date for this Council meeting and for the caucus earlier today. We do have a caucus meeting – excuse me, I'd like to set up a caucus meeting for the 21<sup>st</sup>; I will have a group of young gentlemen show up at caucus to explain some safety issues and some concerns that Chief Goss, Pat Coyne, who put together the meeting earlier in the week – they are going to need about fifteen minutes to explain some of their findings with the committee as well as Council. So, Mike and Leslie, as long as we have about twenty minutes total for that committee, I told the young gentleman that they have about fifteen minutes for us as a whole. If you could allow that time for us, Mike, we would appreciate it, and, Leslie, thank you very much for that. I will field questions from any of the Council members on safety issues.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

**PLANNING, ZONING AND ENGINEERING – Mr. Coyne:** Thank you, Mr. Gallagher. In Planning, Zoning and Engineering this evening we have Ordinance 2009-224, recommendation adoption; Ordinance 2009-240, we are going to suspend and adopt; Ordinance 2009-241, suspend and adopt; and Ordinance 2009-242, a proposed rezoning for Sheetz, we are going to place on first reading and refer to Planning Commission.

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

(None)

**FINANCE - Mr. Dooner:** Thank you, Mr. Gallagher. Before us tonight we have Ordinance Number 2009-234, we are going to place that on second reading; we have Resolution Number 2009-237, we recommend suspension and adoption of that; Resolution No. 2009-238, we are also recommending suspension and adoption; and Ordinance 2009-239, suspension and adoption for that, as well. That is all I have, Mr. Gallagher.

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

(None)

Mr. Gallagher – Do you want to announce the budget hearing?

Mr. Dooner – Yes. On the 14<sup>th</sup> of December at seven o'clock in the caucus room we will have a budget hearing, at seven o'clock.

Mr. Gallagher – And if I could, at six o'clock that same evening we will have a Committee of the Whole meeting; I am hoping that won't take too long, but if we could do that at six, I would appreciate it.

Mr. Dooner – That's fine.

Mayor Perciak – Mr. President.

Mr. Gallagher – Mayor.

Mayor Perciak – Mr. Dooner, Mr. Kraus, would it be – How are we going to post these meetings? Are we just going to have them following each other or are we going to state specific times? I think we need to be clear on that.

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

Mr. Gallagher – Well, mine at six and the budget at seven.

Mayor Perciak – I thought we were just going to follow immediately; can we post it that way?

Mr. Gallagher – We can put that on the bottom, immediately following.

Mr. Kraus – Yes, we can, and that is what I would recommend, based on the discussion in caucus, Mayor and Mr. President.

Mr. DeMio – So at six, and then immediately following Mike's meeting, then go right into Ken's meeting.

Mayor Perciak – For the budget.

Mr. Gallagher – Correct. Anything else?

(No comments)

Mr. Gallagher – Thank you.

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:** We have no ordinances or resolutions under this committee this evening. I will give a brief report on our meeting of November 23. We are in the process of setting our next Business Network breakfast meeting. We did receive a report from our tech committee and Ed Oliveros, who attends all our county meetings on our behalf. We did discuss at that meeting the Rotary Business Expo that was held November 10 and I believe that the Economic Development Committee will be more involved next year on that. Also, the start up guide and management guide for small businesses was discussed and I would like to report that has been very well received by the population in Strongsville and around the country – we are receiving many calls from other states. We were also informed that Ohio State in 2010 will be forwarding an invitation to the City of Strongsville for a presentation at the International Economic Development Council meeting and we feel that we can present very well at that particular meeting and will be allowed some time. I will keep you abreast of that, what date that will happen. We also discussed goals for 2010 and, of course, the main goal by Mayor Perciak was to bring more businesses to the City of Strongsville, and we will strive to do that. And finally, on a sad note and a very joyful note, we have been informed by Gene Magocky, our Economic Development Director, that he will be retiring at the end of this month. And the committee – on behalf of the committee, and we did recognize Gene at that particular meeting, we'd like to thank you for all your years of service, we'd like to thank you for your friendship, on behalf of the committee members and, also, the business partners that we have gotten to know as a result of your dedication to the job over the years. Gene, thank you for service.

(Applause)

Mr. Daymut – There will be no meeting in December. Thank you, Mr. Gallagher.

Mr. Gallagher – Thank you, Mike. Any questions for Mr. Daymut?

(None)

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

Mr. Gallagher – Gene, good luck in retirement, I hope you do it way better than I did. Thank you.

**BUILDING AND UTILITIES – Mr. Roth:** Thank you, Mr. Gallagher. Ordinance 2009-245 is up for adoption tonight, that was the RTA bus stop, that's up for a vote. And I'd just like – Request 2057 crossed my desk this week and it just – you know, I send a lot of Action Requests through the pike to all different departments and when 2057 came across my desk I said, you know, the last thing Mr. Walker needs is to hear about a fifteen month-old chuck hole, so I think we need to make an adjustment there. I don't know why that kept coming up, but it's come up several times and it's been resolved for a year. So, whatever we've got to do to stop that from happening I would appreciate it because there are a lot of Action Requests out there from me and the rest of Council that, you know, we don't need September of 2008 chuckholes coming before your face. So I didn't – I don't know how that happened and I think we need to make sure it doesn't happen again. That's it.

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

(None)

**COMMITTEE OF THE WHOLE – Mr. Gallagher:** This evening we have three items: Ordinance 2006-237 is enacting a new Chapter 876 and we're going to place that on fifth reading. Resolution 2009-253 is continuing the seventy-five percent tax credit and eliminating the prior termination provision; that will be worked on in a meeting on 12/14 at six o'clock, and we will be reading that three times. Resolution 2009-254 is urging the State to place a moratorium on oil and gas drilling in heavily populated areas; we recommend suspension and adoption on that one. That's all I have before Council of the Whole. If you have any questions.

(No comments)

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

Mayor Perciak – Thank you Mr. President. This evening, I just have two reminders here for our residents that are here and at home. The Chamber of Commerce Annual Christmas Luncheon, which is heavily attended each year, this year will be December 15 at 11:45 at our Rec Center, at the Event Center. So anyone wishing to attend the Chamber Christmas Luncheon from our business community and our folks back at home, please call the Chamber of Commerce at 238-3366 and make your reservations, they are accepting reservations now.

And item two, a special thanks to Joe Walker, the Director of our Service Department, Jennifer Milbrandt, our coordinator of our Christmas lighting display, Susan Norcross, Ben Stankewicz and all of the volunteers involved in that evening, a huge thank you, on behalf of the children and the families of our city. As most of you know, that huge lighting display on the Square is made possible by the generous donations of our business community and a few of our residents. Each year we have added to our display to where it is this year, and it's quite a spectacular view, and that could not be done without all the help of our Service Department workers in installing it and all the people who were there for the lighting ceremony, all the volunteers that worked at the lighting ceremony, our police force, our Fire Chief and his staff with his men. The community came together to begin the Christmas season here in Strongsville.

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

Mayor Perciak (cont'd) - And, again, I'd like to thank everybody and I'd like to thank all the volunteers and all the donors that came together to make that night and this Christmas season possible right here in downtown Strongsville. So thank you to each and every one of you. That ends my report, Mr. President.

Mr. Gallagher – Thank you, Mayor. Any 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 of the resolutions and all of the ordinances requiring certification of funding and up for adoption. Thank you.

Mr. Gallagher – Thank you, Mr. Batke. One more time left, huh? One more time? Do you have one more left in you for next – the 21<sup>st</sup>?

Mr. Batke – Oh, is that the last one?

Mr. Gallagher – Maybe you should have retired earlier, I don't know. Any questions for Mr. Batke?

(None)

**LAW DEPARTMENT – Mr. Kraus:** Yes, Mr. President, I would merely indicate that all ordinances and resolutions before City Council this evening are in proper legal form. Thank you.

Mr. Gallagher – Thank you Mr. Kraus. Any questions for Mr. Kraus?

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – This is the segment of our evening where we have audience participation. Anyone in the audience wishing to address Council, we would ask that you come to the podium, give us your name and address for the record, and you have five minutes to speak your piece. I have one person signed in, Angelo Ritson. Mr. Ritson.

Angelo Ritson, 18925 Saratoga Trail, Strongsville – Angelo Ritson, 18925 Saratoga Trail. I want to address two things this evening, points just to summarize for the community the efforts to improve public safety and the street vending law, number 860; those other things, another request for stop signs on Saratoga Trail. First is a summary of a letter dated October 28 to the Public Safety Committee and copies for City Council. It states: Thank you for our previous discussions regarding my suggestions for improving the vehicle pedestrian safety. In the past, I have worked with local government officials in unsuccessful attempts to implement changes to number 1, signage in personal yards and public streets, two, communication campaign with the theme of Brake for Kids, three, speed limits, four, crosswalks, five, speed mitigation devices, for example, speed bumps, and number six, law and ordinance revisions.

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

Angelo Ritson (cont'd) - As you know, my interest in this topic stems from the accident on June 27, 2008 when my son was hit by a car after visiting an ice cream truck on Saratoga Trail. Recent events remind me of the opportunity to improve safety in this city. These incidents include on September 20, 2009 an ice cream truck was soliciting business in the area of Howe Road and Boston Road and Saratoga Trail. Number two, on October 17 an individual was selling Sweetest Day roses at the intersection of Drake and Pearl Road with no permit. I believe there can be one focus and Council can strengthen the city's street vending ordinance, number 860. I suggest that this city adopt language similar to the City of Lakewood's ordinance, 5282, Section 741.07, which is Sale from Vehicle on Streets is Prohibited. I'm not suggesting the ban of trucks in the city – landscaping vehicles, delivery trucks, vending on private or public property, etcetera. I am suggesting that vending in public streets where vehicles and pedestrians can come in contact be prohibited. The benefit of this modification and improvement is twofold: It improves safety within the community and reduces the chances for pedestrian and vehicle accidents. Number two, it supports the police department by providing a clearer ordinance and it eliminates officers having to guess and wonder if a street vendor has a license; it would make this part of their job easier. Then I receive on December 3<sup>rd</sup> a response that says, 'After much discussion with our Law Department and our Police Chief, and after careful consideration, the City will not be making any further amendments or other changes to its current ordinance regarding street vending, especially since our current requirements are already comprehensive.' I've received the chairman's answer and disagree with it. I perceive the response as Strongsville's Ordinance 860 is good enough. Whereas, it can be improved for (unintelligible) and safety at the community. The second thing I would address was additional – or ongoing requests for stop signs on Saratoga Trail. I see this week that two stop signs have been installed on Falmouth at the intersection of Bear's Paw, whereas we've requested for years similar signs on Saratoga Trail; the similar action had been requested for years due to concerns about speeding traffic and a near fatality on the street. This is especially (unintelligible) now with the Pearl Road Widening Project, which will probably last for the next one and a half to two years. Thank you.

Mr. Gallagher – Thank you, Mr. Ritson. Is there anyone else? I don't have anyone signed in; is there anyone else in the audience? Anyone? Oh, Mr. Vassil.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. Week or so ago, I had a little problem with our esteemed Southwest General Hospital. We went to the Clinic downtown and at five fifteen they told us to get an MRI for my wife, they thought that she might be bleeding from a stroke. So we decided not to stay downtown due to the fact that the emergency room is at the far side of Cleveland Clinic and we had to go through emergency, we'd probably be there ten or eleven o'clock at night. So we had a choice, we had a choice of Fairview or Southwest. Both are trauma hospitals. Got in, they took us, talked to us, we told them what we needed, we needed an MRI, and we sat in the waiting room from six o'clock till nine thirty at night. And they told us, we don't have anybody on duty to do an MRI. You're a trauma hospital, you damn better have an MRI that's working. I checked with Fairview, they have an MRI, we should have gone there, but we didn't. But they could have told us right from the get-go that they weren't going to do it. And we sat out in that waiting room and I think that's wrong. And I hope Mr. Roth will bring that up the next time he goes there because that's not fair to people to sit there all night and then they don't do anything.

Mr. Gallagher – I'm sure he will.

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

Bill Vassil – I – you know, I got the MRI the next morning at Cleveland Clinic, right here in town. They have an MRI machine right there. Southwest has their MRI machine at Lifeworks? I don't understand. Could you check into that, Mr.... Please?

Mr. Roth – Yes.

Bill Vassil – I'm really anxious to know because that's not fair. And the doctor told us, the specialist at Cleveland Clinic, that she could have a perpetual bleed and that would make her go blind. Right now, she lost a quarter percent of her eyes. Thank you.

Mr. Gallagher – Thank you, Mr. Vassil...

Mayor Perciak – Mr. President.

Mr. Gallagher - I'm sure Mr. Roth will take that – Is that – Mayor, is that even a trauma center anymore?

Mayor Perciak – Mr. President. No, it's not a level one trauma center. But if I may, Mr. President, please allow me to handle this. And Mr. Vassil, I will get back to you.

Bill Vassil – Thank you.

Mayor Perciak – I will make a call to the president of the hospital tomorrow and make certain he is made aware that your wife had to wait in his emergency room for three and a half hours and then be told...

Bill Vassil – No, two and a half, Mayor.

Mayor Perciak – Two and a half?

Bill Vassil – Yeah, two and a half.

Mayor Perciak – I will make certain of that.

Mr. Gallagher – Thank you, Mayor.

Mayor Perciak – Thank you.

Mr. Gallagher - Is there anyone else in the audience wishing to address Council this evening?

(No comments)

Mayor Perciak – That's terrible.

Mr. Gallagher – It's inexcusable.

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2006-237** by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 876 "USE OF PUBLIC WAYS BY SERVICE PROVIDERS" OF TITLE TWO OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AND DECLARING AN EMERGENCY. *1<sup>st</sup> rdg: 11-6-06. 2<sup>nd</sup> rdg: 11-20-06. 3<sup>rd</sup> rdg: 12-3-07. 4<sup>th</sup> rdg: 12-15-08.*

***Fifth reading. Referred to Committee of the Whole.***

**Ordinance No. 2009-224** by Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR STORM SEWER DRAINAGE SYSTEM PURPOSES FROM MICHAEL J. ELLMAN AND JEANETTE ELLMAN AND A GRANT OF EASEMENT FROM BRYAN T. AND MICHELLE A. CHILD FOR STORM SEWER SYSTEM (CULVERT) PURPOSES, IN CONNECTION WITH THE BOWMAN DRIVE CULVERT REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY. *1<sup>st</sup> rdg: 11-02-09. 2<sup>nd</sup> rdg: 11-16-09. Favorable recommendation by Planning Commission 11-19-09.*

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

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

**Ordinance No. 2009-224 ADOPTED.**

**Ordinance No. 2009-234** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO RE-CLASSIFY AND AMEND THE POSITIONS OF JAILER COORDINATOR (SECTION 5-151) AND JAILER (SECTION 5-153) IN THE POLICE DEPARTMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY. *1<sup>st</sup> rdg: 11-16-09.*

***Second reading. Referred to Finance Committee.***

**Resolution No. 2009-237** by Mayor Perciak. A RESOLUTION REQUESTING THE AUDITOR OF CUYAHOGA COUNTY TO ADVANCE FUNDS TO 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.**

**Resolution No. 2009-237 ADOPTED.**

**Resolution No. 2009-238** by Mayor Perciak. A RESOLUTION REQUESTING THE AUDITOR OF CUYAHOGA COUNTY TO ADVANCE CERTAIN SPECIAL ASSESSMENTS TO 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.**

**Resolution No. 2009-238 ADOPTED.**

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

**Ordinance No. 2009-239** 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. 2009-209.

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. 2009-239 ADOPTED.**

**Ordinance No. 2009-240** by Mr. Coyne. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 2 (FINAL) FOR AN ADJUSTMENT IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND UNDERGROUND UTILITIES, INC. IN CONNECTION WITH THE WEBSTER ROAD/BLAZEY TRAIL SANITARY SEWER 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. 2009-240 ADOPTED.**

**Ordinance No. 2009-241** by Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FROM PARKWAY OF STRONGSVILLE, INC. FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, MAINTAINING, OPERATING AND REPAIRING A STORM SEWER SYSTEM AND APPURTENANCES IN CONNECTION WITH THE STRONGSVILLE EXPRESS TIRE AND AUTO 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. 2009-241 ADOPTED.**

**Ordinance No. 2009-242** by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-005) AND FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006). (The Polivchak Company, Owner. Stephen W. Funk, Attorney for Sheetz, Inc., Agent. Proposed Sheetz convenience store)

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

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

**Ordinance No. 2009-243** by Mayor Perciak and Mr. Haseley. AN ORDINANCE REPEALING ORDINANCE NO. 2009-060; AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT AND TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 17910 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY.

*First reading. Referred to Public Service Committee.*

**Resolution No. 2009-244** by Mr. Haseley. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF READY MIX CONCRETE FOR USE BY THE SERVICE DEPARTMENT OF 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. 2009-244 ADOPTED.**

**Ordinance No. 2009-245** by Mayor Perciak and Mr. Roth. AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF A LICENSE TO THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY FOR USE OF PUBLIC PROPERTY ON PEARL ROAD IN CONNECTION WITH PLACEMENT AND USE OF A BUS SHELTER WITH RIGHTS OF INGRESS AND EGRESS; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT IN FURTHERANCE THEREOF; 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. 2009-245 ADOPTED.**

**Ordinance No. 2009-246** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF BREAD AND BAKERY PRODUCTS FOR USE AT THE WALTER F. EHRENFELT RECREATION & SENIOR CENTER, 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. 2009-246 ADOPTED.**

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

**Ordinance No. 2009-247** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF MEAT, FISH AND POULTRY FOR USE AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, 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. 2009-247 ADOPTED.**

**Ordinance No. 2009-248** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PRODUCE FOR USE AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, 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. 2009-248 ADOPTED.**

**Ordinance No. 2009-249** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF GENERAL FOODS AND DAIRY PRODUCTS FOR USE AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. [US FOODS]

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. 2009-249 ADOPTED.**

**Ordinance No. 2009-250** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF GENERAL FOODS FOR USE AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. [GORDON FOOD SERVICES]

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. 2009-250 ADOPTED.**

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

**Resolution No. 2009-251** by Mr. Gallagher. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF YOUTH SPORTS WEARING APPAREL FOR USE BY THE RECREATION DEPARTMENT OF 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. 2009-251 ADOPTED.**

**Resolution No. 2009-252** by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING THE DONATION OF A CUSTOM MADE MOBILE RECEPTION DESK FROM JUSTICE & COMPANY FOR USE AT THE WALTER F. EHRNFELT RECREATION 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. 2009-252 ADOPTED.**

**Ordinance No. 2009-253** by Mr. Coyne, Mr. Daymut, Mr. DeMio, Mr. Dooner, Mr. Gallagher, and Mr. Haseley. AN ORDINANCE AMENDING SECTION 880.32 OF CHAPTER 880 OF TITLE FOUR OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO CONTINUE THE CITY'S CURRENT 75% TAX CREDIT ON THE AMOUNT OF INCOME TAX PAID ON TAXABLE INCOME BY A CITY OF STRONGSVILLE RESIDENT TO ANOTHER MUNICIPALITY, ELIMINATING THE PRIOR TERMINATION PROVISION, AND DECLARING AN EMERGENCY.

***Motion by Mr. Daymut, second by Mr. DeMio, to amend the Ordinance by removing the emergency clause. All members present voted aye and the motion carried.***

***First reading. Referred to Committee of the Whole.***

**Resolution No. 2009-254** by Mayor Perciak and All Members of Council. A RESOLUTION URGING THE STATE OF OHIO TO PLACE A MORATORIUM ON OIL AND GAS WELL DRILLING IN HEAVILY POPULATED AREAS UNTIL AMENDMENTS TO THE OHIO REVISED CODE WITH RESPECT TO DRILLING HAVE BEEN ADOPTED.

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.**

Mr. Gallagher – Any discussion?

Mr. Daymut – Mr. Gallagher.

Mr. Gallagher – Mr. Daymut.

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

**Resolution No. 2009-254 (cont'd):**

Mr. Daymut – I had the opportunity last Thursday to attend a town hall meeting that was posted by representative Matt Patten in North Royalton and he asked me at that time if sometime next year he would be able to host one here in Strongsville, so I throw that out for the Administration and for Council...

Mayor Perciak – Yes.

Mr. Daymut – ...for your consideration.

Mr. Haseley – Good.

Mr. Gallagher – We would hope the legislature will take care of that by then, but sure...

Mr. Daymut – Thank you, Mr. Gallagher.

Mr. Gallagher – ...the way things work in Columbus. Call the roll, please.

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

**Resolution No. 2009-254 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

None.

**MISCELLANEOUS BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before this Council, Council President Gallagher adjourned the meeting at 8:40 p.m.

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

December 21, 2009  
Date of Approval