

City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
Council Office Fax: 440-572-1648
www.strongsville.org

December 3, 2010

City Council

Mark A. Roth, III
Ward 3

Patrick J. Coyne
At Large

Michael J. Daymut
Ward 1

Joseph C. DeMio
President Pro Tem
At Large

Raymond L. Haseley
Ward 2

Michael J. Gallagher
President of Council
Ward 4

Kenneth M. Dooner
At Large

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

MEETING NOTICE

Council has scheduled the following meetings for ***Monday, December 06, 2010***, to be held in the Caucus Room and the Council Chamber at the ***Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road***:

Caucus will begin at 7:30 p.m. All committees listed will meet immediately following the previous committee:

7:30 P.M.

Planning, Zoning and Engineering Committee will meet to discuss Resolution No. 2010-159 and Ordinance No. 2010-189.

Finance Committee will meet to discuss Ordinance Nos. 2010-190 and 2010-191.

Public Service and Conservation Committee will meet to discuss Ordinance No. 2010-192 and Resolution No. 2010-193.

Recreation and Community Services Committee will meet to discuss Ordinance No. 2010-186.

Public Safety and Health Committee will meet to discuss Ordinance Nos. 2010-194 and 2010-195

Economic Development and Technology Committee will meet to discuss any items pertinent to the Committee.

Committee of the Whole will meet to discuss Ordinance Nos. 2010-187 and 2010-196.

8:00 P.M.

Regular Council Meeting

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

BY ORDER OF THE COUNCIL:

Leslie J. Seefried, MMC
Clerk of Council

**AGENDA FOR THE REGULAR
STRONGSVILLE CITY COUNCIL MEETING**

MONDAY, DECEMBER 06, 2010 AT 8:00 P.M.

**Mike Kalinich Sr. City Council Chambers
18688 Royalton Road, Strongsville, Ohio**

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1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - Regular Council Meeting – November 15, 2010
6. APPOINTMENTS AND CONFIRMATIONS:
 - Mayor's re-appointment of Greg McDonald to a four (4) year term as a member of the City's Planning Commission, effective retroactive to December 1, 2010 and expiring November 30, 2014.
7. REPORTS OF COUNCIL COMMITTEES:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:

 - SCHOOL BOARD – Mr. Roth:

 - RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:

 - PUBLIC SERVICE AND CONSERVATION – Mr. Haseley:

 - PUBLIC SAFETY AND HEALTH – Mr. DeMio:

 - PLANNING, ZONING AND ENGINEERING – Mr. Haseley:

 - FINANCE – Mr. Dooner:

 - ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:

BUILDING AND UTILITIES – Mr. Gallagher:

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

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

MAYOR PERCIAK:

FINANCE DEPARTMENT - Mr. Dubovec:

LAW DEPARTMENT- Mr. Kraus:

9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

Resolution No. 2010-159 by Mr. Haseley. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN BY CLEAR WIRELESS LLC DBA CLEARWIRE FOR THE INSTALLATION OF A 190-FOOT MONOPOLE AND 2,500 SQUARE FOOT FENCED COMPOUND LOCATED AT 20025 LUNN ROAD IN THE CITY OF STRONGSVILLE. 1st rdg: 10-18-10; 2nd rdg/defeated: 11-01-10; reconsidered and referred to PC for amendment: 11-15-10.

Ordinance No. 2010-186 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR INSTALLATION OF SANITARY PIPE AND MANHOLES IN CONNECTION WITH THE CITY'S NEW LUNN ROAD YOUTH SPORTS PARK, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. 1st rdg: 11-15-10.

Ordinance No. 2010-187 by President and All Members of Council. AN ORDINANCE AMENDING SECTION 9-004 OF THE GENERAL SALARY ORDINANCE TO ESTABLISH AN ASSISTANT CLERK OF COUNCIL POSITION AND COMPENSATION THEREFOR, AND DECLARING AN EMERGENCY. 1st rdg: 11-15-10.

Ordinance No. 2010-189 by Mr. Haseley. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 (FINAL) FOR AN ADJUSTMENT IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND DIGIOIA-SUBURBAN EXCAVATING, LLC, IN CONNECTION WITH THE SHURMER ROAD CULVERT EAST REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Ordinance No. 2010-190 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2010 AND REPEALING ORDINANCE NO. 2010-182.

11. ORDINANCES AND RESOLUTIONS (CONT'D):

Ordinance No. 2010-191 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR A COMPREHENSIVE HEALTH BENEFITS PLAN FOR THE CITY EMPLOYEES FOR THE YEAR 2011, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

Ordinance No. 2010-192 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE MAYOR TO MAKE PAYMENT FOR ELECTRICAL SERVICES FOR USE BY THE CITY'S SERVICE DEPARTMENT, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

Resolution No. 2010-193 by Mayor Perciak and Mr. Haseley. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PAVEMENT RECONSTRUCTION PROGRAM FOR 2011 IN THE CITY OF STRONGSVILLE.

Ordinance No. 2010-194 by Mayor Perciak and Mr. DeMio. AN ORDINANCE RATIFYING, APPROVING AND AUTHORIZING THE ACCEPTANCE OF TRANSFER OF ASSETS UNDER A GRANT AWARD FROM THE BOARD OF CUYAHOGA COUNTY COMMISSIONERS UNDER A HOMELAND SECURITY ASSET TRANSFER PROGRAM, AND DECLARING AN EMERGENCY.

Ordinance No. 2010-195 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AMENDING SECTION 1064.99 OF CHAPTER 1064 OF TITLE SIX OF PART TEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE PERTAINING TO PENALTIES FOR VIOLATIONS OF REQUIREMENTS CONCERNING RECYCLING OF REFUSE.

Ordinance No. 2010-196 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIREING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, ALL PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Liquor Permit – TRFO-C1-C2-D6 To: **Ohio CVS Stores LLC, DBA: CVS Pharmacy #4300, 13777 Pearl Road, Strongsville, OH 44136** (Responses must be postmarked no later than 12/20/2010).

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2010 - 159

By: Mr. Haseley

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN BY CLEAR WIRELESS LLC DBA CLEARWIRE FOR THE INSTALLATION OF A 190-FOOT MONOPOLE AND 2,500 SQUARE FOOT FENCED COMPOUND LOCATED AT 20025 LUNN ROAD IN THE CITY OF STRONGSVILLE.

WHEREAS, Clear Wireless, LLC dba Clearwire has submitted a site plan to the Planning Commission for approval of the installation of a 190' monopole and 2,500 square foot fenced compound located at 20025 Lunn Road (PPN 393-26-003) zoned Public Facilities; and

WHEREAS, the Commission approved said plan at its meeting of October 7, 2010 subject to conditions;

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

Section 1. That this Council hereby confirms the approval of the City's Planning Commission of the site plan submitted by Clear Wireless, LLC dba Clearwire for the installation of a 190' monopole and 2,500 square foot fenced compound located at 20025 Lunn Road (PPN 393-26-003).

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

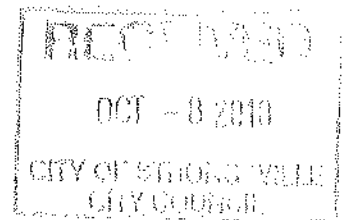
Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council _____ Approved: _____ Mayor

Date Passed: _____ Date Approved: _____

| | | |
|-----------|-------------------------------------|---|
| Yea | Nay | Attest: |
| Coyne | <input checked="" type="checkbox"/> | Clerk of Council |
| Daymut | <input checked="" type="checkbox"/> | Removed: |
| DeMio | <input checked="" type="checkbox"/> | Ref: P2E |
| Dooner | <input checked="" type="checkbox"/> | Ref: |
| Gallagher | <input checked="" type="checkbox"/> | Ref: |
| Haseley | <input checked="" type="checkbox"/> | Reconsidered 11-15-10; Referred to PC for amendment |
| Roth | <input checked="" type="checkbox"/> | Pub Hrg. _____ Ref: _____ |

ORD. No. 2010-159
 1st Rdg. 10-18-10
 2nd Rdg. 11-01-10
 3rd Rdg. Suspended
 Adopted: _____ Defeated: 11-01-10
 Reconsidered 11-15-10 - referred to PC



MEMORANDUM

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: October 8, 2010

Please be advised that at its meeting of October 7, 2010 the Strongsville Planning Commission gave **Favorable Recommendation** to the following;

CLEARWIRE/ John Sindyla, Agent

Site Plan approval to permit the installation of a 190' monopole and 2,500 SF fenced compound to be located at 20025 Lunn Road, PPN 393-26-003 zoned Public Facility.

cc: PC File

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Leslie Seefried, Clerk of Council
DATE: November 16, 2010
SUBJECT: Referral from Council: Resolution No. 2010-159 (Reconsidered)

Please be advised that at its regular meeting of November 15, 2010, City Council moved to reconsider Resolution No. 2010-159 and refer it back to Planning Commission for amendment.

Resolution No. 2010-159 by Mr. Haseley. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN BY CLEAR WIRELESS LLC DBA CLEARWIRE FOR THE INSTALLATION OF A 190-FOOT MONOPOLE AND 2,500 SQUARE FOOT FENCED COMPOUND LOCATED AT 20025 LUNN ROAD IN THE CITY OF STRONGSVILLE. 1st rdg: 10-18-10. Defeated 11-01-10. Reconsidered and referred to Planning Commission for amendment 11-15-10.

A copy of the Resolution is attached for your review.

LJS
Attachment

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2010 - 159

By: Mr. Haseley

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE NEW SITE PLAN BY CLEAR WIRELESS LLC DBA CLEARWIRE FOR THE INSTALLATION OF A 190160-FOOT MONOPOLE AND 2,500 SQUARE FOOT FENCED COMPOUND LOCATED AT 20025 LUNN ROAD IN THE CITY OF STRONGSVILLE, AS AMENDED.

WHEREAS, Clear Wireless, LLC dba Clearwire has submitted a new site plan to the Planning Commission for approval of the installation of a 190160' monopole and 2,500 square foot fenced compound located at 20025 Lunn Road (PPN 393-26-003) zoned Public Facilities; and

WHEREAS, the Commission approved said plan at its meeting of October 7 November 18, 2010 subject to conditions;

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

Section 1. That this Council hereby confirms the approval of the City's Planning Commission of the new site plan submitted by Clear Wireless, LLC dba Clearwire for the installation of a 190160' monopole and 2,500 square foot fenced compound located at 20025 Lunn Road (PPN 393-26-003).

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

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council
Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |

Attest: _____
 RES
 Clerk of Council
 ORB. No. 2010-159 Removed: _____
 1st Rdg. 10-18-10 Ref: _____
 2nd Rdg. 11-1-10 Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 186

BY: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR INSTALLATION OF SANITARY PIPE AND MANHOLES IN CONNECTION WITH THE CITY'S NEW LUNN ROAD YOUTH SPORTS PARK, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in the process of constructing baseball fields at its Youth Sports Park and recreational fields located on Lunn Road; and

WHEREAS, installation of certain sanitary pipe to be provided by the City and of manholes is required to complete the fields; and

WHEREAS, given the upcoming inclement weather, time is of the essence in completing this construction work so the new fields can be opened in early spring; and

WHEREAS, an existing City vendor, the firm of Fabrizi Trucking & Paving Co., Inc., can provide such installation on a timely basis and at advantageous pricing compared to two other estimates that the City was able to obtain; and

WHEREAS, Council, therefore, is desirous of proceeding to enter into a contract with said company for the required services, and installation, without public bidding;

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

Section 1. That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate, real and present emergency in the operation of the Departments of Recreation & Senior Services and Public Service of the City of Strongsville, in that it is immediately necessary to enter into a contract, without public bidding, with an existing City vendor, **FABRIZI TRUCKING & PAVING CO., INC.**, in order to purchase certain installation services of sanitary pipe and manholes, necessary for completion of the City's new Lunn Road baseball fields at the Youth Sports Park in a professional and timely manner, and at advantageous pricing.

Section 2. That, for the reasons aforesaid, this Council hereby authorizes the Mayor to enter into a contract with **FABRIZI TRUCKING & PAVING CO., INC.**, without public bidding, in an amount not to exceed \$8,500.00 for the installation of certain sanitary pipe and manholes for completion of the City's new baseball fields on Lunn

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 186
Page 2

Road at the Youth Sports Park. Said contract shall be in a form approved by the Law Director and in accordance with the proposal attached hereto as Exhibit A and incorporated herein by reference.

Section 3. That the funds for the purposes of the aforesaid expenditure have been appropriated and shall be paid from the Sanitary Sewer Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to complete the City's new baseball fields at the Lunn Road Youth Sports Park in a professional manner and while weather permits prior to the early spring season, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous affirmative vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

ORD. No. 2010-186 Removed: _____
 1st Rdg. 11-15-10 Ref: Rec + Comm Serv
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

FABRIZI TRUCKING & PAVING CO., INC.

389 COLUMBIA ROAD • VALLEY CITY, OHIO 44280

OFFICE: Tel (330) 273-2784
Fax (330) 483-3841

SHOP: Tel (440) 234-1284
Fax (440) 234-2844

October 21, 2010

City of Strongsville
16099 Foltz Parkway
Strongsville, OH 44149

Attn: Mr. Joe Walker, P.E.

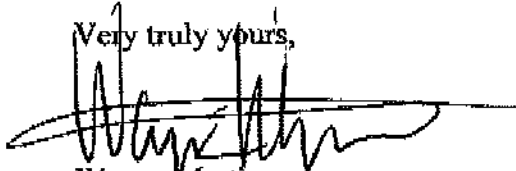
RE: Lunn Road Baseball Fields

Dear Mr. Walker,

Per your request, we offer the following proposal for the installation only of approximately 600 linear feet of 8" PVC and 3 each manholes. All material will be supplied by the owner.

Lump Sum \$8,500.00

Very truly yours,



Wayne Martin

EXHIBIT A

An Equal Opportunity Employer

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 187

By: President and All Members of Council

AN ORDINANCE AMENDING SECTION 9-004 OF THE GENERAL SALARY ORDINANCE TO ESTABLISH AN ASSISTANT CLERK OF COUNCIL POSITION AND COMPENSATION THEREFOR, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 9-004 of the General Salary Ordinance, be and is hereby amended to read in its entirety as follows:

**9-004 CLERK OF COUNCIL AND COUNCIL OFFICE ASSISTANT
CLERK OF COUNCIL .**

A. The Clerk of Council shall be compensated at the rate of \$59,956.00 per annum.

B. The Council Office Assistant *Clerk of Council* shall be compensated at the rate of ~~\$38,500.00~~ **\$44,339.00** per annum.

C. The aforesaid per annum compensation shall be paid in equal installments in the same manner and form as established for other salaried employees of the City.

D. The Clerk and Council Office Assistant *Clerk of Council* when serving as Acting Clerk of Council shall be compensated at the rate of \$75.00 per meeting for attendance at each official meeting of Council.

Section 2. That pursuant to Section 3-011 of Article 3 of the General Salary Ordinance, the within amendments shall be effective upon adoption of this Ordinance in accordance with law; and that all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 187
Page 2

committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to amend this Section of the General Salary Ordinance to reflect the intent of this Council regarding positions and compensation of Council employees of the City of Strongsville, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

ORD. No. 2010-187 Removed: _____
 1st Rdg. 11-15-10 Ref: COW
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Red: _____

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

OATH OF OFFICE

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

I, AIMEE PIENKA, do solemnly swear that as the Assistant Clerk of Council of the City of Strongsville, I will profess loyalty to and support the Constitution of the United States of America, the Constitution of the State of Ohio and its laws, and will uphold the Charter and all of the laws of the City of Strongsville.

I further swear that in all respects I will faithfully, honestly, and impartially, discharge the duties of the office of Assistant Clerk of Council of the City of Strongsville, State of Ohio, during my continuance in said office.

AIMEE PIENKA

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____, in the year of Our Lord, Two Thousand Ten (2010).

NOTARY PUBLIC

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 187

By: President and All Members of Council

AN ORDINANCE AMENDING SECTION 9-004 OF THE GENERAL SALARY ORDINANCE TO ESTABLISH AN ASSISTANT CLERK OF COUNCIL POSITION AND COMPENSATION THEREFOR., ~~AND DECLARING AN EMERGENCY, AS AMENDED.~~

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

Section 1. That Section 9-004 of the General Salary Ordinance, be and is hereby amended to read in its entirety as follows:

**9-004 CLERK OF COUNCIL AND ~~COUNCIL OFFICE ASSISTANT~~
CLERK OF COUNCIL .**

A. The Clerk of Council shall be compensated at the rate of \$59,956.00 per annum.

B. The ~~Council Office Assistant~~ **Clerk of Council** shall be compensated at the rate of ~~\$38,500.00~~ **\$44,339.00** per annum.

C. The aforesaid per annum compensation shall be paid in equal installments in the same manner and form as established for other salaried employees of the City.

D. The Clerk and ~~Council Office Assistant~~ **Clerk of Council** when serving as Acting Clerk of Council shall be compensated at the rate of \$75.00 per meeting for attendance at each official meeting of Council.

Section 2. That ~~pursuant to Section 3-011 of Article 3 of the General Salary Ordinance,~~ the within amendments shall be effective **on and after February 20, 2011,** when the City's current Council Office Assistant is designated by the International Institute of Municipal Clerks as a Certified Municipal Clerk (CMC), in which event only, the additional compensation paid under the above amended version of Section 9-004 shall be retroactive from November 10, 2010, when the Council Office Assistant substantially completed the requirements for a CMC, ~~upon adoption of this Ordinance in accordance with law;~~ and that at such time all other Ordinances or parts of Ordinances in conflict herewith **will be and the same are hereby repealed; provided, however, that until such time, the current version of Section 9-004 shall be and remains in effect.**

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 187
Page 2

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. ~~That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to amend this Section of the General Salary Ordinance to reflect the intent of this Council regarding positions and compensation of Council employees of the City of Strongsville, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.~~ **That this Ordinance shall take effect and be in force from and after the earliest period allowed by law, subject to the operative limitations set forth in Section 2 above.**

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

| | |
|--------------------------|-----------------|
| ORD. No. <u>2010-187</u> | Removed: _____ |
| 1st Rdg. <u>11-15-10</u> | Ref: <u>COW</u> |
| 2nd Rdg. _____ | Ref: _____ |
| 3rd Rdg. _____ | Red: _____ |
| Pub Hrg. _____ | Ref: _____ |
| Adopted: _____ | Defeated: _____ |

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 -189

By: Mr. Haseley

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 (FINAL) FOR AN ADJUSTMENT IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND DIGIOIA-SUBURBAN EXCAVATING, LLC, IN CONNECTION WITH THE SHURMER ROAD CULVERT EAST REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2010-118, passed July 19, 2010, Council authorized the Mayor to enter into a contract with Digioia-Suburban Excavating, LLC for the construction of the Shurmer Road Culvert East Replacement Project (the "contract") in the amount of \$159,659.30 premised on certain plan quantities (the "Project"); and

WHEREAS, since then, certain further additional work not contemplated in the original contract has become necessary and was requested by the City, and plan quantities also have been reconciled with actual field quantities; and

WHEREAS, Digioia-Suburban Excavating, LLC, therefore, has submitted to the City Engineer a request for an adjustment in the contract price for the costs incurred due to the additional labor, materials and equipment to complete the aforesaid additional work and also for reconciliation of the quantities; and

WHEREAS, the City Engineer has recommended that it would be in the best interest of the City to provide payment to Digioia-Suburban Excavating, LLC in the additional amount of \$3,648.28 for additional work resulting in an increase to the total Project cost, with a final adjusted total Project cost of \$163,307.58, all as more fully set forth in Exhibit "A" attached hereto and incorporated herein by reference;

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

Section 1. That the Mayor be and is hereby authorized and directed to issue and approve Change Order No. 1 (Final) comprising additional work and reconciliation of quantities, resulting in an increase in the amount of \$3,648.28, as recommended by the City Engineer; and, after the issuance and approval of said Change Order No. 1 (Final) and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to Digioia-Suburban Excavating, LLC, consistent with the adjusted and increased total Project cost of \$163,307.58.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 – 189

Page 2

Section 2. That the funds for the purposes of this Ordinance and the Project have been appropriated and shall be paid from the Drainage Levy Fund and General Capital Improvement Fund.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the payment of the aforesaid sum is immediately necessary in order to provide compensation for additional work performed by the contractor on the Project, to properly and promptly complete the Project, to avoid potential legal problems, to provide more efficient drainage within the City, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
Clerk of Council

ORD. No. 2010-189 Removed: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Red: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____

CHANGE ORDER

Order No. **1 - Final**
Date: **November 9, 2010**
Agreement Date: **July 21, 2010**

Name of PROJECT: **Shurmer Road Culvert East Replacement Project**

CONTRACTOR: **DiGioia-Suburban Excavating, LLC**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: **Reconcile plan quantities with actual field quantities and additional work requested by the City.**

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$159,659.30**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER:
\$159,659.30

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by: **\$3,648.28**

The new CONTRACT PRICE including this CHANGE ORDER will be:
\$163,307.58

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by
 N/A calendar day(s).

The date for completion of all WORK will be (Date): **Work is completed.**

Requested by: _____
DiGioia-Suburban Excavating, LLC

Recommended by: _____
Ken Mikula, P. E., City Engineer

Accepted by: _____
Mayor Thomas P. Perciak



Shurmer Road Culvert Change Order

| ITEM | DESCRIPTION | UNIT | APPROXIMATE | ACTUAL | PLAN COST | ACTUAL COST |
|------|--|------|-------------|--------|-------------|-------------|
| 1 | SITE WORK | LUMP | 1 | 1 | \$5,500.00 | \$5,500.00 |
| 2 | UTILITY ALLOWANCE | LUMP | 1 | 1 | \$1,000.00 | \$1,000.00 |
| 3 | STRUCTURE REMOVED | LUMP | 1 | 1 | \$1,500.00 | \$1,500.00 |
| 4 | HEADWALL REMOVED AS PER PLAN | EACH | 2 | 2 | \$1,400.00 | \$1,400.00 |
| 5 | GUARDRAIL REMOVED | FT | 80 | 80 | \$440.00 | \$440.00 |
| 6 | CURB AND GUTTER REMOVED | FT | 208 | 208 | \$551.20 | \$551.20 |
| 7 | INLET BASIN REMOVED AS PER PLAN | EACH | 4 | 4 | \$1,260.00 | \$1,260.00 |
| 8 | PAVEMENT REMOVED | SY | 380 | 380 | \$3,306.00 | \$3,306.00 |
| 9 | PIPE REMOVED, 24" AND UNDER | FT | 324 | 308 | \$3,758.40 | \$3,572.80 |
| 10 | SUB-GRADE COMPACTION | SY | 332 | 332 | \$431.60 | \$431.60 |
| 11 | EROSION AND SEDIMENTATION CONTROL | LUMP | 1 | 1 | \$1,960.00 | \$1,960.00 |
| 12 | 7" MIN CONCRETE BASE | SY | 60 | 60 | \$4,362.00 | \$4,362.00 |
| 13 | TACK COAT | GAL | 6 | 6 | \$210.00 | \$210.00 |
| 14 | ASPHALT CONCRETE SURFACE COURSE,SEE PLAN | CY | 33 | 33 | \$9,240.00 | \$9,240.00 |
| 15 | FILLER | CY | 45 | 45 | \$4,275.00 | \$4,275.00 |
| 16 | CONCRETE MASONRY | CY | 25 | 25 | \$14,100.00 | \$14,100.00 |
| 17 | 12' CONDUIT, TYPE C, 706.02 | FT | 304 | 304 | \$14,774.40 | \$14,774.40 |
| 18 | 15" CONDUIT, TYPE C, 706.02 | FT | 8 | 8 | \$784.00 | \$784.00 |
| 19 | 7' X 5' CONDUIT, 706.05, AS PER PLAN | FT | 80 | 80 | \$34,560.00 | \$34,560.00 |
| 20 | SIDEWALK REMOVAL | SF | 1160 | 1292 | \$1,450.00 | \$1,615.00 |
| 21 | 4" CONCRETE SIDEWALKS | SF | 1160 | 1292 | \$5,765.20 | \$6,421.24 |
| 22 | CATCH BASIN 2-2-B | EACH | 3 | 3 | \$2,821.50 | \$2,821.50 |
| 23 | DRAINAGE STRUCTURE MODIFICATION, AS PER PLAN | EACH | 1 | 1 | \$136.50 | \$136.50 |
| 24 | DOUBLE CATCH BASIN | EACH | 2 | 2 | \$4,833.50 | \$4,833.50 |
| 25 | CURB AND GUTTER, AS PER PLAN | LF | 310 | 312 | \$7,905.00 | \$7,956.00 |
| 26 | LOW STRENGTH MORTAR BACKFILL | CY | 90 | 54 | \$5,850.00 | \$3,510.00 |
| 27 | DETOUR SIGNING, AS PER PLAN | LUMP | 1 | 1 | \$6,720.00 | \$6,720.00 |
| 28 | CONSTRUCTION LAYOUT STAKES | LUMP | 1 | 1 | \$1,500.00 | \$1,500.00 |
| 29 | MOBILIZATION | LUMP | 1 | 1 | \$3,500.00 | \$3,500.00 |
| 30 | LOWER EXISTING WATER MAIN, AS PER PLAN | EACH | 1 | 0 | \$10,000.00 | \$0.00 |
| 31 | PAVEMENT MARKING | LUMP | 1 | 1 | \$1,260.00 | \$1,260.00 |
| 32 | SEEDING AND MULCHING, CLASS 1 | SY | 500 | 500 | \$2,325.00 | \$2,325.00 |
| 33 | PRECONSTRUCTION VIDEO PHOTOGRAPHY | LUMP | 1 | 1 | \$500.00 | \$500.00 |
| 34 | 6" APRON REPLACEMENT | SF | 280 | 280 | \$1,680.00 | \$1,680.00 |

SUB TOTAL \$159,659.30 \$148,005.74

| | | | | | | |
|-----|---------------------------------------|------|--|------|---|-------------|
| 101 | ASPHALT CONC BASE | CY | | 61 | - | \$10,870.20 |
| 102 | RECORE TWO HOLES | EACH | | 2 | - | \$1,170.00 |
| 103 | REMOVE EX. DRIVEWAYS | SF | | 333 | - | \$832.50 |
| 104 | REPLACE DRIVEWAYS | SF | | 333 | - | \$1,655.01 |
| 105 | CURB & GUTTER & APRONS TO MS CONCRETE | CY | | 33.5 | - | \$589.60 |
| 106 | DRIVEWAYS CHANGED TO FS CONCRETE | CY | | 5.5 | - | \$184.53 |

TOTAL \$159,659.30 \$163,307.58
 INCREASE \$3,648.28

THE FOLLOWING ARE JUSTIFICATIONS FOR THE ADDITIONAL WORK REQUESTED BY THE CITY:

| ITEM | DESCRIPTION | JUSTIFICATION |
|-----------|---------------------------------------|--|
| 101 | ASPHALT CONCRETE BASE | INADEQUATE EXISTING SUB-BASE |
| 102 | RECORE TWO HOLES | CONFLICT WITH GAS LINE |
| 103 & 104 | 4" DRIVEWAY REMOVAL AND REPLACEMENT | ADJUSTED DRIVES TO MATCH NEW SIDEWALKS |
| 105 | CURB & GUTTER & APRONS TO MS CONCRETE | FASTER SETTING CONCRETE FOR QUICKER ACCESS |
| 106 | DRIVEWAYS CHANGED TO FS CONCRETE | FASTER SETTING CONCRETE FOR QUICKER ACCESS |

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 190
BY: MAYOR THOMAS P. PERCIAK

AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2010 AND REPEALING ORDINANCE NO. 2010 - 182.

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

Section 1: THAT THERE BE APPROPRIATED FROM THE FOLLOWING FUNDS AND AS FURTHER DETAILED IN THE SCHEDULE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN:

| General Fund - 101 | | | | | |
|-------------------------------|---------------|-------------------------|------------------------|------------------------|-------------------------|
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 101 Total General Fund | | \$ 12,814,100.00 | \$ 9,316,585.00 | \$ 9,850,250.00 | \$ 31,980,935.00 |

| Special Revenue Funds - 200 | | | | | |
|--|-----------------------------------|-------------------------|------------------------|----------------------|-------------------------|
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 203 | Police Pension | \$ 1,169,200.00 | \$ - | \$ - | \$ 1,169,200.00 |
| 204 | Street Construction & Maintenance | 5,038,900.00 | 4,189,600.00 | - | 9,228,500.00 |
| 205 | State Highway Maintenance | - | 150,000.00 | - | 150,000.00 |
| 206 | Motor Vehicle License Tax | - | 420,000.00 | - | 420,000.00 |
| 207 | Fire Department Vehicle | - | 775,000.00 | - | 775,000.00 |
| 208 | Fire Levy | 6,426,400.00 | 431,000.00 | - | 6,857,400.00 |
| 209 | Fire Pension | 1,248,500.00 | - | - | 1,248,500.00 |
| 211 | Clerk of Court | - | 20,000.00 | - | 20,000.00 |
| 212 | Drainage Levy | - | 538,924.00 | - | 538,924.00 |
| 213 | Recycling | - | 7,000.00 | - | 7,000.00 |
| 214 | Multi-Purpose Complex | 3,083,600.00 | 2,008,325.00 | - | 5,091,925.00 |
| 215 | Southwest General Hospital | - | 318,156.00 | - | 318,156.00 |
| 216 | Law Enforcement Federal Seizures | - | 2,000.00 | - | 2,000.00 |
| 217 | Law Enforcement State Seizures | - | 2,000.00 | - | 2,000.00 |
| 218 | Law Enforcement Drug Fine | - | 1,000.00 | - | 1,000.00 |
| 219 | Law Enforcement DWI/DUI | - | 10,000.00 | - | 10,000.00 |
| 220 | Tree Maintenance | - | 130,000.00 | - | 130,000.00 |
| 222 | Community Diversion | 20,200.00 | 4,200.00 | - | 24,400.00 |
| 200 Total Special Revenue Funds | | \$ 16,986,800.00 | \$ 9,007,205.00 | \$ - | \$ 25,994,005.00 |

| Debt Service Funds - 300 | | | | | |
|-------------------------------------|------------------------------------|------------------|------------------------|----------------------|------------------------|
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 331 | General Bond Retirement | \$ - | \$ 4,637,990.00 | \$ - | \$ 4,637,990.00 |
| 332 | Special Assessment Bond Retirement | - | 227,105 | - | 227,105.00 |
| 333 | Pearl Road TIF Fund | - | 317,300 | - | 317,300.00 |
| 334 | Route 82 TIF Fund | - | 1,000 | - | 1,000.00 |
| 300 Total Debt Service Funds | | \$ - | \$ 5,183,395.00 | \$ - | \$ 5,183,395.00 |

| Capital Improvement Capital Project Funds - 400 | | | | | |
|--|-----------------------------------|------------------|-------------------------|----------------------|-------------------------|
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 441 | Recreation Capital Improvement | \$ - | \$ 525,000.00 | \$ - | \$ 525,000.00 |
| 442 | General Capital Improvement | - | 1,786,052.00 | - | 1,786,052.00 |
| 444 | Pearl Road Improvement | - | 12,250,196.24 | 500,000.00 | 12,750,196.24 |
| 445 | Police Facility Construction Fund | - | 4,852,830.14 | - | 4,852,830.14 |
| 400 Total Capital Project Funds | | \$ - | \$ 19,414,078.38 | \$ 500,000.00 | \$ 19,914,078.38 |

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 1 of 2

| Dept # | Department | Personal Service | Other | Transfers & Advances | Total |
|------------------------------------|----------------------------------|-------------------------|------------------------|------------------------|-------------------------|
| 011410 | Council | \$ 293,400.00 | \$ 21,500.00 | \$ - | \$ 314,900.00 |
| 011411 | Mayors Office | 396,400.00 | 22,400.00 | - | 418,800.00 |
| 015412 | Police Department | 9,166,800.00 | 1,507,550.00 | - | 10,674,350.00 |
| 011413 | Human Resources | 117,700.00 | 32,400.00 | - | 150,100.00 |
| 011414 | Finance Department | 625,700.00 | 32,000.00 | - | 657,700.00 |
| 011415 | Legal Department | 402,000.00 | 218,400.00 | - | 620,400.00 |
| 011416 | Communication & Technology | 438,100.00 | 1,093,500.00 | - | 1,531,600.00 |
| 011417 | Building Department | 774,200.00 | 137,300.00 | - | 911,500.00 |
| 011418 | Mayors Court | 129,400.00 | 61,400.00 | - | 190,800.00 |
| 011420 | Rubbish Department | - | 2,686,000.00 | - | 2,686,000.00 |
| 011421 | Cemetery Department | 116,500.00 | 34,800.00 | - | 151,300.00 |
| 011422 | Architectural Board of Review | - | 7,000.00 | - | 7,000.00 |
| 011423 | Planning Commission | 85,300.00 | 71,500.00 | - | 156,800.00 |
| 011424 | Civil Service | - | 3,500.00 | - | 3,500.00 |
| 011425 | Board of Appeals | - | 10,300.00 | - | 10,300.00 |
| 011428 | Parks Department | 86,100.00 | 243,635.00 | - | 329,735.00 |
| 011429 | Board of Building Standards | - | 2,300.00 | - | 2,300.00 |
| 011430 | General Miscellaneous | - | 3,061,500.00 | - | 3,061,500.00 |
| 011435 | Economic Development | 182,500.00 | 69,600.00 | - | 252,100.00 |
| 011468 | Non Government Transfers | - | - | 9,850,250.00 | 9,850,250.00 |
| Total General Fund | | \$ 12,814,100.00 | \$ 9,316,585.00 | \$ 9,850,250.00 | \$ 31,980,935.00 |
| 031000 | Police Pension | 1,169,200.00 | - | - | 1,169,200.00 |
| 046419 | Street Repairs | 4,162,900.00 | 1,809,000.00 | - | 5,971,900.00 |
| 046426 | Traffic Signal Maintenance | 300,600.00 | 271,600.00 | - | 572,200.00 |
| 046427 | Snow Removal | - | 649,000.00 | - | 649,000.00 |
| 046433 | Municipal Garage | 575,400.00 | 1,460,000.00 | - | 2,035,400.00 |
| 056000 | State Highway Maintenance | - | 150,000.00 | - | 150,000.00 |
| 066000 | Motor Vehicle License Tax | - | 420,000.00 | - | 420,000.00 |
| 075000 | Fire Department Vehicle | - | 775,000.00 | - | 775,000.00 |
| 085000 | Fire Levy | 6,426,400.00 | 195,800.00 | - | 6,622,200.00 |
| 085001 | Fire Station Ward 1 | - | 45,800.00 | - | 45,800.00 |
| 085002 | Fire Station Ward 2 | - | 37,100.00 | - | 37,100.00 |
| 085003 | Fire Station Ward 3 | - | 32,100.00 | - | 32,100.00 |
| 085004 | Fire Station Ward 4 | - | 120,200.00 | - | 120,200.00 |
| 095000 | Fire Pension | 1,248,500.00 | - | - | 1,248,500.00 |
| 111000 | Clerk of Court | - | 20,000.00 | - | 20,000.00 |
| 121000 | Drainage Levy | - | 538,924.00 | - | 538,924.00 |
| 131000 | Recycling | - | 7,000.00 | - | 7,000.00 |
| 143304 | Sports Programs | 264,300.00 | 177,188.00 | - | 441,488.00 |
| 143305 | Recreation Administration | 450,500.00 | 713,100.00 | - | 1,163,600.00 |
| 143306 | Fitness | 417,500.00 | 113,000.00 | - | 530,500.00 |
| 143309 | Ice Rink | - | 282,500.00 | - | 282,500.00 |
| 143310 | Aquatics | 587,200.00 | 112,100.00 | - | 699,300.00 |
| 143311 | Recreation Programs | 200,700.00 | 36,950.00 | - | 237,650.00 |
| 143430 | Special Events | 88,900.00 | 17,100.00 | - | 106,000.00 |
| 143431 | Old Town Hall | 5,900.00 | 30,100.00 | - | 36,000.00 |
| 143439 | Senior Services | 569,100.00 | 262,800.00 | - | 831,900.00 |
| 143451 | Recreation Maintenance | 499,500.00 | 193,800.00 | - | 693,300.00 |
| 143500 | Program Refunds | - | 69,687.00 | - | 69,687.00 |
| 152000 | Southwest General Hospital | - | 318,156.00 | - | 318,156.00 |
| 165000 | Law Enforcement Federal Seizures | - | 2,000.00 | - | 2,000.00 |
| 175000 | Law Enforcement State Seizures | - | 2,000.00 | - | 2,000.00 |
| 185000 | Law Enforcement Drug Fine | - | 1,000.00 | - | 1,000.00 |
| 195000 | Law Enforcement DWI/DUI | - | 10,000.00 | - | 10,000.00 |
| 204000 | Tree Maintenance | - | 130,000.00 | - | 130,000.00 |
| 225000 | Community Diversion | 20,200.00 | 4,200.00 | - | 24,400.00 |
| Total Special Revenue Funds | | \$ 16,986,800.00 | \$ 9,007,205.00 | \$ - | \$ 25,994,005.00 |

| <u>Enterprise Funds - 500</u> | | | | | |
|------------------------------------|-------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 551 | Sanitary Sewer | \$ 1,320,800.00 | \$ 4,343,621.00 | \$ 650,000.00 | \$ 6,314,421.00 |
| <u>Internal Service Fund - 600</u> | | | | | |
| Fund # | Fund Activity | Personal Service | Other | Transfers & Advances | Total |
| 664 | Workers' Compensation Reserve | \$ - | \$ 519,000.00 | \$ - | \$ 519,000.00 |
| Grand Total All Funds | | \$ 31,121,700.00 | \$ 47,783,884.38 | \$ 11,000,250.00 | \$ 89,905,834.38 |

| <u>Itemized list of Transfers and Advances by Fund</u> | |
|--|-------------------------|
| Description | Amount |
| General Fund to Street Construction Fund | \$ 3,911,000.00 |
| General Fund to Fire Levy Fund | 2,100,000.00 |
| General Fund to Multi-Complex Fund | 1,640,000.00 |
| General Fund to Police Pension Fund | 675,000.00 |
| General Fund to Fire Pension Fund | 808,000.00 |
| General Fund to General Bond Retirement Fund | 216,250.00 |
| Sanitary Sewer Fund to General Bond Retirement Fund | 650,000.00 |
| Total Transfers | \$ 10,000,250.00 |
| General Fund to Pearl Road Capital Improvement Fund | \$ 500,000.00 |
| Pearl Road Capital Improvement Fund to General Fund | 500,000.00 |
| Total Advances | \$ 1,000,000.00 |
| Total Transfers and Advances | \$ 11,000,250.00 |

Section 2: That all expenditures within the fiscal year ending December 31, 2010 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided.

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

Section 4: AS AN ORDINANCE providing for the appropriation of monies and consistent with the City's Charter Article III, Section 13, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, or otherwise at the earliest time allowed by law.

Approved: _____

President of Council

Mayor

Date Passed

Date Approved

Attest: _____
Clerk of Council

| | | |
|-----------|------------|------------|
| | <u>Yea</u> | <u>Nay</u> |
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

ORD. No. 2010-190 Removed: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 2 of 2

| Dept # | Department | Personal Service | Other | Transfers & Advances | Total |
|--------|------------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 311000 | General Bond Retirement | - | 4,637,990.00 | - | 4,637,990.00 |
| 321000 | Special Assessment Bond Retirement | - | 227,105.00 | - | 227,105.00 |
| 333000 | Pearl Road TIF Fund | - | 317,300.00 | - | 317,300.00 |
| 334000 | Route 82 TIF Fund | - | 1,000.00 | - | 1,000.00 |
| | Total Debt Service | \$ - | \$ 5,183,395.00 | \$ - | \$ 5,183,395.00 |
| 413000 | Recreation Capital Improvement | - | 525,000.00 | - | 525,000.00 |
| 421000 | General Capital Improvement | - | 1,786,052.00 | - | 1,786,052.00 |
| 446000 | Pearl Road Improvement | - | 10,666,479.24 | 500,000.00 | 11,166,479.24 |
| 446100 | TIF Construction | - | 1,552,617.00 | - | 1,552,617.00 |
| 446200 | Pearl Road Phase II | - | 31,100.00 | - | 31,100.00 |
| 454000 | Police Facility Construction Fund | - | 4,852,830.14 | - | 4,852,830.14 |
| | Total Capital Projects | \$ - | \$ 19,414,078.38 | \$ 500,000.00 | \$ 19,914,078.38 |
| 512501 | Engineering and Administration | 601,300.00 | 740,500.00 | - | 1,341,800.00 |
| 512602 | Plant Expenditures | - | 1,526,922.00 | - | 1,526,922.00 |
| 512503 | Line Expenditures | 719,500.00 | 706,000.00 | - | 1,425,500.00 |
| 512504 | Sewer Capital Improvements | - | 214,000.00 | 650,000.00 | 864,000.00 |
| 512605 | Sewer Debt Payments | - | 1,156,199.00 | - | 1,156,199.00 |
| | Total Sanitary Sewer | \$ 1,320,800.00 | \$ 4,343,621.00 | \$ 650,000.00 | \$ 6,314,421.00 |
| 664000 | Workers Compensation | \$ - | \$ 519,000.00 | \$ - | \$ 519,000.00 |
| | GRAND TOTAL | \$ 31,121,700.00 | \$ 47,783,884.38 | \$ 11,000,250.00 | \$ 89,905,834.38 |

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 191

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR A COMPREHENSIVE HEALTH BENEFITS PLAN FOR CITY EMPLOYEES FOR THE YEAR 2011, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by and through Ordinance No. 2010-004, authorized and ratified the Mayor entering into a contract with Medical Mutual of Ohio for a period of one (1) year expiring December 31, 2010 for a comprehensive health benefits plan for employees of the City; and

WHEREAS, for various reasons the insurance market is in an unusual condition and is severely restricted with respect to underwriting of comprehensive health benefits plans for public employees, including hospitalization, major medical, dental, group life and other coverages; and

WHEREAS, the City has entered into collective bargaining agreements with various employee bargaining groups, which agreements require that the City provide comprehensive health benefit plans for such collective bargaining employees; and

WHEREAS, the City's independent insurance consultant has recommended that a new contract with Medical Mutual of Ohio would be competitive and advantageous to the City under current conditions;

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

Section 1. That this Council finds and determines, as set out in Article V, Section 5 of the Charter, that there is an immediate and present emergency in the operation of all the Departments of the City of Strongsville, in that it is necessary to enter into a contract with Medical Mutual of Ohio in order to avoid a gap in comprehensive health benefits coverage for City employees, maintain reasonable health insurance protection with reasonable premiums, preserve the expenditure of funds in relation to health benefit plan coverage, and comply with the terms and conditions of the City's negotiated collective bargaining contracts.

Section 2. That, for the reasons aforesaid, the Mayor, the Director of Finance and Human Resources Director be and are hereby authorized and directed to enter into and implement a contract with **MEDICAL MUTUAL OF OHIO** at monthly premium rates

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 191
Page 2

not to exceed \$524.00 for each single employee and \$1,308.00 for each employee with a family for a comprehensive health benefits plan for the period of January 1, 2011 through December 31, 2011, which includes hospitalization, major medical, dental, certain vision, prescription, health and wellness, and other coverages, in a form to be approved by the Director of Finance and Law Director, and for the coverages on file with the Human Resources Director.

Section 3. That the funds for the aforesaid contract have been appropriated and shall be paid from the General Fund, Sanitary Sewer Fund, Fire Levy Fund, Ehrnfelt Multi-Purpose Complex Fund, the Street Construction, Maintenance & Repair Fund, and Community Diversion Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to establish the aforesaid benefit plan in order to provide continuity of health benefits to City employees, and conserve public funds. Therefore, provided this Ordinance receives the unanimous affirmative vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

 President of Council

Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

Ord. No. 2010-191 removed: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Red: _____

Pub. Hrg. _____
 Adopted: _____ Debated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 192

By: Mayor Perciak and All Members of Council

AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE MAYOR TO MAKE PAYMENT FOR ELECTRICAL SERVICES FOR USE BY THE CITY'S SERVICE DEPARTMENT, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, in connection with the City's recent renovation and addition project at its Police and Council facilities, it has become necessary to install a new 400 Amp electrical service at such City facilities and at the City Commons; and

WHEREAS, the extent of such services have exceeded those originally anticipated in order for the contractor to undertake and complete a proper, timely, and safe installation; and

WHEREAS, such purchases of electrical services, including parts and labor, were undertaken by an existing City contractor only upon the approval and recommendations of the Mayor and Director of Public Service, and generally at market rates; and

WHEREAS, it has become necessary to render payments for such electrical services and emergency work in order to facilitate safe and timely completion of the project as required; and

WHEREAS, the Service Department recommends payment of the additional invoices outstanding for such services through Richard Gentile Electric, Inc.;

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

Section 1. That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it has become immediately necessary to make purchases of electrical services, without public bidding, from **RICHARD GENTILE ELECTRIC** and such electric-related services, including labor and materials, in order to provide for the proper operation of the Service Department, to protect the health, safety and welfare of the residents, and to conserve public funds.

Section 2. That for the reasons aforesaid, this Council hereby approves, ratifies and authorizes the Mayor's purchases from **RICHARD GENTILE ELECTRIC**, without

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 - 192
Page 2

public bidding, of electrical services related to the Police Facility renovation/addition and the City Commons area, in a total amount not to exceed \$30,740.62, of which some \$15,117.62 already has been paid, leaving a balance due for payment not to exceed \$15,623.00 as reflected on the invoices marked as Exhibits A-1 and A-2, attached hereto and incorporated herein by reference, and for which payment is hereby authorized.

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund, Street Construction, Maintenance & Repair Fund, Recreation Capital Improvement Fund and Police Facility Construction Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to approve and ratify said purchases of electrical services in order to provide for the continuity of services, operation, and maintenance of the City's Department of Public Service, to provide adequate electrical power for City facilities, to protect the health, safety and welfare of the residents, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

 President of Council
 Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

ORD. No. 2010-192 Removed: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

RICHARD GENTILE ELECTRIC
19440 STONY POINT DRIVE
STRONGSVILLE, OHIO 44136
440-572-1078

THEN AND NOW
CERTIFICATION

September 24, 2010

NOV 04 2010

CITY OF STRONGSVILLE

JA
11-4-10

JOB: POLICE STATION OUTDOOR LIGHTING & DEDICATED OUTLETS
WITH NEW 200 AMP PANEL

THE FOLLOWING WORK PERFORMED

A) POLICE-STATION (FRONT SIDE-PEARL ROAD)

- 1) SUPPLIED AND INSTALLED NEW 200 AMP PANEL ALONG WITH 8 NEW DECIATED CIRCUITS. 1-POLE 200 AMP BREAKERS QTY(2) HAND HOLES. ALSO SET (1) 4' FT. NEMA 3R WIRE THRU BELOW PANEL.
 - 2) SUPPLIED AND INSTALLED QTY (6) 2 GANG IN USE WEATHER PROOF COVERS.
 - 3) SUPPLIED AND INSTALLED QTY (16) 20 AMP GFCI OUTLETS.
 - 4) SUPPLIED AND INSTALLED QTY (16) 20 AMP DUPLX OUTLETS.
 - 5) SUPPLIED AND INSTALLED QTY (20) 1 GANG IN USE WEATHER PROOF COVERS.
 - 6) SUPPLIED AND INSTALLED QTY (10) ANDSCAPE POST.
 - 7) SUPPLIED AND INSTALLED QTY (6) 2-GANG OUTDOOR BELL BOXES.
 - 8) SUPPLIED BY OTHER: QTY (2) OUTDOOR TRANSFORMERS WIRED AS NEEDED.
 - 9) SUPPLIED AND INSTALLED ALL UNDERGROUND GALV. PIPE AS NEEDED.
- B) POLICE-STATION (RT 82 - SIDE OF BUILDING)
- 1) SUPPLIED AND INSTALLED QTY. 6-DEDICATED 120 V. CIRCUITS 1-POLE 20 AMP BREAKERS.
 - 2) SUPPLIED AND INSTALLED QTY (10) 2-GAND OUTDOOR BELL BOXES.
 - 3) SUPPLIED AND INSTALLED QTY (9) 2-GANG IN USE COVERS.
 - 4) SUPPLIED AND INSTALLED QTY (9) 20 AMD GFCI OUTLETS.
 - 5) SUPPLIED AND INSTALLED QTY (9) 20 AMP DUPLES OUTLETS.
 - 6) SUPPLIED AND INSTALLED QTY (1) 2-GANG BLANK WEATHER PROOF COVERS.
 - 7) SUPPLIED BY OTHER: QTY (2) OUTDOOR TRANSFORMERS WIRED AS NEEDED.
 - 8) SUPPLIED AND INSTALLED ALL GALV. PIPE AS NEEDED.
- AS STATED ABOVE; SUPPLIED ALL MATERIAL AND LABOR.

FOR THE SUM OF:

D Kreidler

Paul

\$23,117.62
<8,000.00>
15,117.62

EXHIBIT A-1

RICHARD GENTILE ELECTRIC, INC.
19440 STONY POINT DRIVE
STRONGSVILLE, OH 44136
440-572-1078

10/22/10
CITY OF STRONGSVILLE
COMMONS
RT. 82 SIDE
STRONGSVILLE

NEW 400 AMP SERVICE

REMOVE 200 AMP OVER HEAD SERVICE, REMOVED
METER BASE & 200 AMP DISCONNECT AND PIPE
INSTALLED NEW 400 AMP SERVICE WITH PIPE UP POLE
DISCONNECTED GROUND WIRES INSTALLED NEW
METER SET WITH 200 AMP 20 / 40 CIRCUIT PANEL
AND NEW 200 AMP DISCONNECT WITH 4 FOOT
TROUGH - REWIRED ALL GROUND POWER
INSTALLED 3 DOUBLE GFI PLUGS & 3 - 50 AMP 220
PLUGS ON BACK OF TROUGH WITH IN USE COVERS
INSTALLED ALL BREAKERS AS NEEDED
LABOR AND MATERIALS

\$7,623.00

10/22/10
By [Signature]

EXHIBIT A-2

TOTAL AMOUNT DUE

\$7,623.00

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2010 - 193

By: Mayor Perciak and Mr. Haseley

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PAVEMENT RECONSTRUCTION PROGRAM FOR 2011 IN THE CITY OF STRONGSVILLE.

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

Section 1. That the Mayor be and is hereby authorized to advertise for bids for the Pavement Reconstruction Program for 2011, in accordance with specifications and bid documents on file in the office of the City Engineer, which are in all respects hereby approved.

Section 2. That the funds for the purposes of this Resolution shall be paid from the General Capital Improvement Fund and from the proceeds of notes issued by the City.

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

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

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
Clerk of Council

RES
GRD. No. 2010-193 Removed: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Red: _____

Pub Hrg. _____ Ref: _____

Adopted: ✓ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 194

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE RATIFYING, APPROVING AND AUTHORIZING THE ACCEPTANCE OF TRANSFER OF ASSETS UNDER A GRANT AWARD FROM THE BOARD OF CUYAHOGA COUNTY COMMISSIONERS UNDER A HOMELAND SECURITY ASSET TRANSFER PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the United States Department of Homeland Security's Office of Domestic Preparedness provides funding to states through its State Homeland Security Grant Program to enhance the preparedness of the nation, the states and counties to combat terrorism; and

WHEREAS, the Homeland Security Grant Program is intended to enhance the ability of first responders to prevent or respond to incidents of terrorism, and includes the use of such grant funds to provide the capability to purchase first responder equipment; and

WHEREAS, such Homeland Security Grant Funds have been awarded to Cuyahoga County for its use and on behalf of the municipalities and other permissible agencies in Cuyahoga County; and

WHEREAS, the Board of Cuyahoga County Commissioners has approved a grant for the transfer of some seventy (70) Motorola portable radios with accessories and fifty-seven (57) Motorola mobile radios with accessories for use by the City of Strongsville Police Department, the value of which is approximately \$624,892.85; and

WHEREAS, this Council is desirous of authorizing the acceptance of such transfer of assets under the grant program;

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

Section 1. That this Council hereby ratifies, approves and authorizes the acceptance and transfer of some seventy (70) Motorola portable radios with accessories and fifty-seven (57) Motorola mobile radios with accessories, as a Homeland Security Grant from the Cuyahoga County Board of Commissioners for use by the City of Strongsville Police Department, the value of which is some \$624,892.85; and further authorizes and directs the Mayor and other appropriate officers of the City to execute all necessary documents, agreements, provide assurances, and perform such other duties necessary in furtherance thereof.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2010 -194
Page 2

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

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to authorize the acceptance of such grant assets in order to enhance the ability of the Police Department personnel to prevent or respond to incidents, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

ORD. No. 2010-194 Removed: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010 - 195

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE AMENDING SECTION 1064.99 OF CHAPTER 1064 OF TITLE SIX OF PART TEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE PERTAINING TO PENALTIES FOR VIOLATIONS OF REQUIREMENTS CONCERNING RECYCLING OF REFUSE.

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

Section 1. That Section 1064.99 of Chapter 1064 of Title Six of Part Ten of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

1064.99 PENALTY.

(a) Whoever violates or fails to comply with the provisions of Section 1064.03(b) or Section 1064.071(a), (b) or (c) is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both for a first offense; and each subsequent offense, is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. A separate offense shall be deemed committed on each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates or fails to comply with the provisions of Section 1064.07 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed **committed** on each day during or on which a violation or noncompliance occurs or continues.

(ca) Whoever violates or fails to comply with the provisions of Section 1064.08 is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. A separate offense shall be deemed committed on each day during or on which a violation or noncompliance occurs or continues.

(~~Ord. 1993-91. Passed 6-7-93.~~)

(d) Whoever violates or fails to comply with the provisions of Section 1064.10(d) is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation or noncompliance occurs or continues.

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

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
|-----------|------------|------------|
| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Haseley | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
 Clerk of Council

ORD. No. 2010-195 Removed: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Red: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2010- 196

By: Mayor Perciak and All Members of Council

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, ALL PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Strongsville (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the permanent parcel numbers listed on Exhibit A hereto, as they may be consolidated or split (the "Property"), this Council may cause construction of the public improvements described in Exhibit B hereto, (collectively, the "Public Improvements"), that once made will directly benefit the Property and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Strongsville City School District and Polaris Joint Vocational School District have been notified of this Ordinance consistent with Revised Code Section 5709.83;

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

Section 1. The Public Improvements described in Exhibit B hereto, made and if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property and are determined to be necessary for the public health, safety and welfare.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed

value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the year in which this Ordinance is passed and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Strongsville City School District in the amount of the taxes that would have been payable to the Strongsville City School District if the Improvements had not been exempted from taxation.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Strongsville City School District in an amount equal to the property tax payments the Strongsville City School District would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the Mayor, Director of Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Pearl Road II Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium,

CITY OF STRONGSVILLE, OHIO

Ordinance No. 2010- 196

Page 3

and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

President of Council
Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

| | <u>Yea</u> | <u>Nay</u> |
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| Coyne | _____ | _____ |
| Daymut | _____ | _____ |
| DeMio | _____ | _____ |
| Dooner | _____ | _____ |
| Gallagher | _____ | _____ |
| Hasclef | _____ | _____ |
| Roth | _____ | _____ |

Attest: _____
Clerk of Council

| | |
|--------------------------|-----------------|
| ORD. No. <u>2010-196</u> | Removed: _____ |
| 1st Rdg. _____ | Ref: _____ |
| 2nd Rdg. _____ | Ref: _____ |
| 3rd Rdg. _____ | Red: _____ |
| Pub Hrg. _____ | Ref: _____ |
| Adopted: _____ | Defeated: _____ |

EXHIBIT A

LIST OF PARCELS TO BE EXEMPT

392-30-010

393-23-002

393-23-003

393-34-002

393-34-014

393-34-006

393-34-007

395-08-017

396-08-003

396-11-001

397-25-004

397-25-008

EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of (i) the widening and other improvements to Pearl Road, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, (ii) improvements to Royalton Road, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, and (iii) the resurfacing, repaving, improvement or extension of Howe Road, including signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith and all related improvements. The Public Improvements further include the construction of or improvements to any other public streets, utilities and public facilities in and around the Property or directly benefiting or serving the Property.