

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON FEBRUARY 16, 2010.

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Tuesday, February 16, 2010 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 Seefried. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Joseph K. Dubovec, Service Director Joseph M. Walker, City Engineer Ken Mikula, Building Commissioner Tony Biondillo, Recreation Director Stephen F. Kilo, Communications and Technology Director John Bedford, Human Resources Director Anthony Urankar, Economic Development Manager Brent Painter, Police Chief Charles Goss and Fire Chief Robert Moody.

Absent: Council Member Patrick J. Coyne.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering: In Chairman Coyne's stead, President Gallagher recommended adoption for Ordinance No. 2009-257, concerning a proposed rezoning of property at Royalton and Prospect Roads from R1-75 classification to GB classification. The ordinance is up for public hearing this evening. The recommendation to adopt is to enable the submission of the ordinance, if adopted, to the electors for the May primary election. Its companion piece, Ordinance No. 2009-258, which proposes to rezone property at Royalton and Prospect Roads from LB to GB classification, is recommended for third reading this evening after being publicly heard. In addition, suspension and adoption was recommended for Resolution 2010-019, which is a resolution to submit Ordinance No. 2009-257 to the electors, if adopted. First reading was recommended for Ordinance No. 2010-020, amending Ordinance No. 1977-12 to permit certain additional permanent parcels located on Drake Road, Greenbrier Drive and Hunt Road to tie into the North Royalton W. 130th Street Sanitary Sewer and the existing North Royalton Sewer District 'A' Sanitary Sewage Disposal Plant, in connection with the Drake Road East Sanitary Sewer Extension Project.

Finance Committee: Chairman Dooner recommended first reading for Ordinance No. 2010-021, which authorizes a second amendment to the City's agreement with Munis for an extension of the contract term for an additional three year period and change in the contract price, for the furnishing, delivery and installation of computer hardware and software and other services for a financial management information and application system for the financial functions of the City, without further public bidding.

Building and Utilities Committee – Chairman Gallagher recommended first reading for Ordinances 2010-022, 023 and 024, each of which concerns entering into a contract with Anthony Bumbalis, John B. Kornick, and Julie Sipka, respectively, for professional architectural services in connection with the City's Building Code and the Ohio Building Code. He recommended suspension and adoption for Resolution No. 2010-025, opposing recent rate increases and elimination of certain discounts by First Energy, and urging restoration of prior discounts for all-electric homes. Chairman Gallagher also announced that a meeting will take place at the Recreation Center on Monday, February 22, 2010, at 7 p.m. regarding the rate increases and elimination of discounts for all-electric homes. State Senators Tim Grendell and Tom Patton will attend, as will State Representative Matt Patten.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Resolution No. 2010-026, approving the acceptance of a grant in the amount of \$46,624 under the Drug Abuse Resistance Education (“DARE”) Law Enforcement Grants Program.

Public Service and Health Committee – Chairman Haseley recommended suspension and adoption for Resolution No. 2010-027, granting permission to transfer certain certificates for burial rights in the Strongsville Municipal Cemetery. He also noted that Council is in receipt of an ordinance to be added to the agenda this evening as Ordinance No. 2010-028, dealing with the acquisition of property and/or permanent and temporary easements in connection with the Pearl Road Widening Project; suspension and adoption is the recommendation on this Ordinance.

Committee of the Whole: President Gallagher recommended adoption for Ordinance No. 2010-11, regarding nepotism and the hiring of employees.

Economic Development and Technology Committee: Chairman Daymut mentioned that the Business Network breakfast meeting held on Thursday, February 11th, was a success. The Mayor stated it was probably the largest crowd we have yet to have at this function. Mr. Daymut announced the cancellation of his scheduled February 22 Committee meeting, due to the meeting at the Rec Center regarding electric rates for all-electric homes.

Mayor Perciak informed Council that we are going to be moving forward with the installation of sanitary sewers in Ward 2, from Drake Road east to West 130th Street and all of Greenbrier. The first phase included Ward 1. He announced that the City was fortunate enough that we are going to receive a grant of \$452,048. Engineering is presently being completed. This will affect 120 homes and the projected commencement of this phase is fall of 2010. Councilman Haseley requested that the City Engineer advise both he and Councilman Daymut when he is more ready to go with this. The Mayor and Council members discussed the benefits of this project.

Karen Goodson, representative for First Energy, attended the caucus meeting to address Council regarding the electric rate increases. She thanked Council President Gallagher and Mayor Perciak for inviting her this evening. She stated she had a conversation with some Council members, but not everyone knows about the third quarter conduct and the change in her position, so she will briefly go over that. She stated previously, she represented only the Illuminating Company, which was the regulated side of the business. There is also a deregulated side of the business, unregulated, which is the Generation First Energy Solutions. Ms. Goodson stated she was not permitted to talk about that side of the business; if anyone had questions, she was to refer you to an 800 number; that was a third quarter conduct, they want to operate separately. In certain instances, such as hers, they have made exceptions – she is a ‘Shared Services’ person, so she is now allowed to address either side of the business, but she can only address one side of the business in any email, letter, meeting or phone conversation. Therefore, she stated, tonight she is here representing the Illuminating Company to discuss all-electric rates. What that means is that if anybody else comes up with a question tonight, she has to have a separately staged meeting to address anything that comes up on the other side. She states she is not trying to be difficult, but the energy regulatory management has a very strict code of conduct.

Addressing the all-electric rates, Ms. Goodson said it was done in the 1970s when there was a moratorium on gas and all-electric rates was the new push. There were these great big nuclear plants pushing out lots of kilowatt hours and we weren't using so much of it, and their peak load is in the summer, so they were thrilled to get the usage up, so they designed an all-electric rate that was a discounted rate for customers who put in baseboard heat, heat pumps, things of that nature. A lot of things have changed since the 1970s and the Illuminating Company's rates have essentially remained unchanged since 1996. In 1999, the Public Utilities Commission voted and the legislature voted in deregulation. At that point, the Illuminating Company started taking steps to sell off their generation plants, so they no longer own them. As a result of that, the Illuminating Company now has to go out on the open market and buy the power. They buy some of it from their unregulated side, but they also get some from other suppliers. She stated the auction price that they're paying now, up through 2011, is 6.3 cents a kilowatt hour; they were selling it to the customers on the regulated rate -- during the winter months -- between two and five cents a kilowatt hour. Ms. Goodson said they knew this was coming, and in 2006 they filed with the PUCO to discontinue that rate for any new customers. That actually went into effect in 2007; no new customers, if you were building a new all-electric home, you were not qualified for this rate. If you sold an all-electric home and you had that rate, the new owner would not be eligible for it. That rate was no longer eligible for anybody after April of 2007. She stated notices went out to the customers saying that they were grandfathered on it now, but no new customers would be accepted. She said a lot of people really didn't pay attention to it because it didn't affect them at the time. She stated then they had this newest rate case that came out and at this point, they decided to discontinue the rate altogether for new and for grandfathered customers and, in lieu of that, the company was giving them a credit that would be applied to the bill for anyone who was a grandfathered customer, to try to help ease them into the rates that the standard residential customers are paying. Ms. Goodson stated this didn't really work the way they planned, so they have had a lot of uproar with this and a lot of public meetings that have been going on. As a result of that, there have been some new things that she is not sure the Council is aware of. She informed Council members that as of late Friday, February 12, the Illuminating Company did file an amended proposal with the PUCO, which, if approved -- and she doesn't know what form it is going to be finally approved in -- would phase in this rate increase to bring the discounted customers up to a standard residential rate over a period of eight years. If approved, it would go into effect April 1 and it would only be for the winter months of the year, which were the discounted months customers were used to, and it would be an increased credit right now, but it will be in diminishing increments, which she cannot say what those increments will be because they are not approved yet. She asked if anyone had questions.

Mr. Daymut stated his comment is not specific to the Illuminating Company, but includes the Illuminating Company and Columbia Gas, and everything. He stated most of the residents he has talked to feel that this -- with the PUCO for a period of time, including the deregulation and the Apples to Apples comparisons and NOPEC, etc. -- ends up really being a shell game, where at one time we all paid the bill from CEI, Columbia Gas, AT&T, whatever, and there was one line with one rate that people paid, and that was the end of it. Now, he said, his residents, including himself, can't even understand their bills with all the various types of rates, services and providers. He asked Ms. Goodson to give him something that he can at least take back to the residents about how this all happened, where various charges have been implemented over a long period of time by taking a company and divesting yourself and buying from various suppliers. He reiterated that his residents feel this has become a shell game just to cost them more money.

Ms. Goodson reminded the Council that in the mid to late 1990s when this deregulation conversation was going on, her company was not in favor of it. She stated this was largely pushed by the manufacturers association, a lot of users who were already getting special discounts from them anyway because they were large users. She stated they had other failed examples across the company to look at and say this isn't the panacea that you think it's going to be. But, she said, it was passed and they had to abide by it, so that's what they did and did it to make it work for their company, that they could still be profitable while they were forced upon these regulations. She stated the bills are also very specified, they go through legal manipulations with the Public Utilities Commission – they tell them what has to be specified on the bills, what charges they need to disclose to the customer. She stated they try to make it helpful to the customer and easy to understand, but sometimes when you have different factions there they have different opinions and it comes out as something that is hard to understand – even for her and she works for the company. She stated they have taken it down from twenty rates to eight, but they've taken a number of riders, up to forty-something, so you don't know which riders apply. She acknowledged that it is very difficult to navigate through it and she agrees with Mr. Daymut; it is just something that they filed with the PUCO, they do what the PUCO approves.

Mayor Perciak stated he has been in town for a lot of years and has been Mayor over six years; a lot of issues have come up before this Council and this Administration, but nothing has triggered more phone calls to City Hall than the people and the electric bills that they have been receiving in the last month or so. He stated the tragedy of this is that people are struggling with finding the means to pay their bills. He stated residents who have called the Illuminating Company have been told by representatives that they have to conserve their energy and cut back. The Mayor said maybe the company should have planned better, maybe there should have been more warning to the consumers so that they could have had the opportunity to consider reasonable alternatives. He stated maybe they didn't understand, and that's why these people need time, if these rates are going to stay in place, to convert over to an alternative fuel in order to survive this. He stated people just don't have the wherewithal in these economic times to pay double electric bills. Ms. Goodson commented that it is the perfect storm, having this discontinued at the same time the economy is so down. The Mayor agreed, and stated the residents don't want to hear anything from us at City Hall, other than what are you going to do about it. He stated unfortunately, the history of this, which Ms. Goodson explained, which is probably proper and correct, the resident doesn't care and that is why, he stated, to be honest with Ms. Goodson, he sides with the residents on this matter. The Mayor agrees there should have been some time, or more notice given to them so that they could have made some reasonable effort to find alternatives. He stated if that were done, at least the residents would have had an opportunity to make a choice.

Ms. Goodson stated there are a couple of things that they can offer now. She explained that because their rate was still deeply discounted, those customers were not eligible – it was not considered a shoppable rate, so they weren't eligible for the NOPEC programs before, they'd be bumped off that rate, and they found out in a hurry what a good deal they had then; so they had been removed from those NOPEC mailing lists. Now, since this rate change, they can still keep that credit and shop their generation fees, so they can call NOPEC and try to get back on that program, and that would save them some on their generation. Some customers can also benefit by getting on the equal payment program that spreads it out over a longer period of time so you don't see the heavy fluctuation.

Ms. Goodson stated there are some changes; the discounts are not available for the first 500 kilowatt hours. She stated the rate used to be designed so the more you used, the less you paid, which completely flies in the face of conventional wisdom of trying to conserve energy – if you're paying less for it, you're not going to save it, so they have done away with that, so the people who are seeing their bills double are the big-end users that were using 70,000 kilowatt hours a month, so conservation is part of it. She reiterated that she completely agrees with the Mayor and stated if she had put this program together personally, she would have done it a little bit differently; she thinks they're going back and seeing that now, that they did need to take a longer edge approach and eight years is a good phase-in period. She stated it is just unfortunate that it took this to get there.

Council President Gallagher asked Ms. Goodson if there is any residual effect of Senate Bill 221, because time-wise it seems to line up with 2006, 2007, 2008; it seems that everybody jumped in the pool on that one. Ms. Goodson agreed, and replied that she would follow-up with Mr. Gallagher on that, as she did not have the information available with her this evening. Mr. Gallagher stated before he came here tonight, he downloaded that and read that and it seems to him this is the unintended circumstances of moving into the green area area. Ms. Goodson agreed with this point, saying energy efficiencies are being pushed, but if people are paying less than it really costs us to produce it and deliver it, they're not going to be motivated to conserve it.

Councilman Roth stated he would like Ms. Goodson to take back to the company his disappointment, on behalf of his constituents, because they bought their homes in a certain situation forty years ago, they were promised a lot of things by the company, and to renege on those commitments suddenly, after forty years, he feels is ethically and morally wrong. He stated even in the 2006-07 time period, the company was reinforcing residents of Strongsville that they were grandfathered in, then suddenly they're not. He feels that is a very poor way to do business. He stated these people don't have gas, didn't have access to gas, refused gas, didn't go for gas, they stuck with the electric company. He said it sort of reminds him of the company's \$28 light bulbs last year that he can buy at Lowe's for \$6.88. He stated the people are getting tired of being scammed and they are not happy. Ms. Goodson responded that the folks at Olympia Village had brought that up, that they had a contract, they had an ever-agreeing lifelong contract if they remain electric that they were going to have this rate. She stated her first reaction to that was that the company does not sign individual contracts with residential homeowners because they are tariff rates, they are not governed by a contract, at which point the residents came back and said there was a contract with the developer/builder. She stated to her knowledge, no one has ever produced a contract. Mr. Roth stated they have been told for forty years this was a lifetime rate. Ms. Goodson stated the builders knew this was coming, they knew it back in 2007 when they topped it. Mr. Roth said when the company was stating people were grandfathered in in 2007, it was reinforcing the lifetime rate. Ms. Goodson stated the company said they were grandfathered for an unspecified period of time, it didn't say they would be grandfathered forever. Mr. Roth indicated that for residents to go from a certain amount per month to such a large monthly amount after such a long time is a hardship. Ms. Goodson said she understands and agrees with Mr. Roth, that is why they are looking to change it.

Councilman DeMio introduced resident Bill Vassil to Ms. Goodson. He explained that Mr. Vassil lives in an all-electric home and that last month his bill was approximately \$248, this month it is over \$1100. Mr. DeMio explained that the problem we're dealing with, in addition to the light bulb idea he discussed with Ms. Goodson on the phone the other day, is that it is really disappointing that people are treated this way, plus people cannot accommodate that kind of increase in their budgets, whether the economy happens to be good or bad. Mr. Vassil interjected that his son has a gymnasium and his monthly electric bill went to \$2,000.

President Gallagher reiterated that on Monday, February 22, at 7 p.m. a meeting will be held at the City's Recreation Center. The meeting will be attended by Senators Patton and Grendell and Representative Patten, as well as representatives from the PUCO and the Illuminating Company. He stated hopefully by Monday we will have some resolve, or at least some direction and some answers as to which way we're going. Ms. Goodson added that she has been told a representative from the company's Akron communications division will also attend the meeting to address the main issue.

Mr. Gallagher advised that Ms. Goodson has been kind enough to agree to stay during the Council meeting this evening to meet with any concerned resident. Anyone wishing to address Ms. Goodson can meet with her in the caucus room during the course of the Council meeting.

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON FEBRUARY 16, 2010 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE COMMUNICATIONS CENTER

CALL TO ORDER:

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

President Gallagher – Welcome, ladies and gentlemen, to this, the Tuesday, February 16, Fat Tuesday, City Council Meeting here in the City of Strongsville. To start out, many people were questioning, and rightfully so, the electric bills and problems regarding that. A representative of First Energy is in our Caucus Room right now, she will be there to help anybody and try and answer any questions. Also, next Monday at 7 p.m. at the Rec Center, Senator Patton and Senator Grendell and State Representative Patton will be there, along with the Mayor and members of Council and other interested parties to help walk you through what we are dealing with with this new add-on bill that you're receiving. First Energy has filed a request with the PUCO as of Friday to reduce the amount that will affect you; that has not been ruled on, obviously. Senator Grendell filed a lawsuit this morning, I don't know which court that was in, and I believe it's a class action to combat the escalation in these rates. Hopefully, by Monday, 7 p.m. at the Rec Center, we'll have some answers regarding this issue with you. So if you are here for that, if you'd go back to our conference room –our Caucus Room, and the young lady's name is Karen Goodson.

Mayor Perciak – Mr. President, if I may, just one moment.

Mr. Gallagher – Mayor.

Mayor Perciak – This is for all-electric homes; this is where the big impact is, on all-electric homes. Thank you, Mr. President.

Mr. Gallagher – Thank you very much.

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

Absent: Council Member Patrick J. Coyne.

Motion by Mr. DeMio, second by Mr. Roth, to excuse Council Member Patrick J. Coyne for good cause. All members present voted aye and the motion carried.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of February 1, 2010 were approved as submitted.

Motion by Mr. DeMio, second by Mr. Roth, to amend the agenda by adding Ordinance No. 2010-028. All members present voted aye and the motion carried.

APPOINTMENTS AND CONFIRMATIONS:

None.

PUBLIC HEARING:

President Gallagher – This evening we have two public hearings. What we will do is we will read those, open those up for discussion and then close them. Normally, we do not vote on these, but this evening, due to time constraints and one being a ballot issue, we will be voting on 2009-257. We will not vote on 2009-258 until after the May 4 primary.

PUBLIC HEARING (cont'd):

Ordinance No. 2009-257. 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 ROYALTON ROAD AND PROSPECT ROAD (PARTS OF PPN'S 393-15-002; 393-15-003; 393-15-004) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) *1st rdg: 12-21-09. Favorable recommendation by Planning Commission 12-22-09. 2nd rdg: 01-04-10.*

Council President Gallagher opened the Public Hearing on Ordinance No. 2009-257 and invited any persons wishing to speak ***IN FAVOR*** of the Ordinance to approach the podium and address Council.

Rob Benjamin, Heritage Development Company, 34555 Chagrin Blvd., Moreland Hills, Ohio -
Good evening, everybody. My name is Rob Benjamin, I am Vice President and Director of Real Estate for Heritage Development Company. I am the manager of this project for the Miller Trust on this property, which is 82 and Prospect. I am here tonight, along with me is John Gans from Drug Mart, and we are here and we appreciate you having us on the agenda tonight for you to consider the applications that we have submitted to your City for the rezoning of the parcel that we are talking about here from residential, R1-75, to the General Business. Also, there is a smaller piece that is the 1.4 acres which will not be on the ballot, if we do get approved to do that, from light business to General Business. So what we are here tonight is to obviously show you what our plans would be. I think tonight is important to discuss with you is that what we're asking for tonight is your approval of our applications that have been recommended to you by Planning so that we could be on the ballot in May, have your approval to be on the ballot in May so that the people of Strongsville can vote on this project. This is a piece of land that we've had – it's part of our company and part of our families here that are involved – for several years, obviously, and it has not been developed at this point. We feel that we are working with Drug Mart and John on a program and a site plan here that would be very beneficial for this area. They are a locally owned and locally operated company. They are very interested in this location and being a part of this community. We think that of all the plans that we've looked at and discussed over the years for this site, this would be the best opportunity to fulfill this site and something that would be nice for the City, nice for the residents and would work out nice for Discount Drug Mart, as well. Again, what we're here for tonight is to ask your approval so that we can be put on the ballot for the vote of the people. As Strongsville has in their charter and code, this is a referendum city and that's what – and how you operate is that if there is an application for rezoning, that you give the people the opportunity to vote. We certainly plan, in between now and when the ballot and when the vote would be in May, that we certainly plan, John and I, to meet with residents of the community, with other business owners, other people that are involved in other things around the city, to discuss our plans. We do not want to create a mall, we are not here to create a huge shopping center, what we are here to do is we would like the ability to zone the property, which would possibly be about ten acres, that we could fit in with the Drug Mart, as well as a little bit more retail. We're only talking about 40-45,000 square feet of retail and Discount Drug Mart's store alone is about 26,000 square feet, give or take a few feet. So the opportunity is here; I'm sure – we feel that there are certainly other operators, other business owners that would be interested to be alongside Drug Mart and on this corner. As we've seen over the past several months, the Sheetz that was built kitty-corner has been extremely busy and done very well and has been a nice asset to your community, and we feel this would be a nice plan for this corner, as well. If we get on the ballot, and we hope we do and the vote is successful that we can rezone this property to allow us to do this, you, obviously, as a city, have the opportunity to approve whatever we are going to do.

PUBLIC HEARING – Ordinance No. 2009-257 (cont'd):

Rob Benjamin (cont'd) - You have the final say of our site plan, of our buildings, of everything we are going to do. So, we know that this is just the first step, and the first step is we want the opportunity to be on the ballot for the vote of the people. So, I do have plans here, which are just renderings and potential site plans, but I can certainly hold this up, pass it around, but this shows what parcels of land would be rezoned...

Mayor Perciak – Rob, turn around and show the audience.

Rob Benjamin – Okay. What parcels of land would be rezoned and what we would build on, and then what would be left alone at this point in this development. So the corner, we've got Royalton Road here, which is 82, and then Prospect Road, and what we plan is to have Drug Mart on the corner and then some additional retail down the road as well, along Prospect, with the adequate parking that would be approved by the City and the planners, and then what's very important in this plan, and I think certainly there will be questions and people have questioned already, is we will have a very substantial buffer between the residential community that's already existing and where the shopping center and the Drug Mart would be. So, we plan to keep a major part of it, which is already a natural buffer because there is a creek or a little bit of a waterway there; so with the laws today, the Corps of Engineers, the EPA, we couldn't do anything with that part of the site anyways. So that really acts as a natural buffer and then we also have a main land that would be left the R1-75, at this point. We can certainly talk about some opportunities there down the road, whether it's conservation, whether it's some other things that we could certainly work with the City with, but we feel that this gives – would be a nice look and a nice opportunity here in the city and on this corner. Now, I do have renderings; you know, obviously, things can change in terms of colors and types of elevations, but I certainly can hold that up so we can show that to you. This would be the Drug Mart and then our shopping center, and we would certainly work with you on materials and certainly work with you on the look of the building. So, the Drug Mart would be here on the corner and this would be fronting 82, and then the rest of the shopping center would go down Prospect, down the road there. Then, this would be the portion that would face Prospect and so we would continue the look down the road, as well. So, obviously, this is the preliminary stage; the most important thing at this point and while we're here tonight – and I'm happy to pass this around if anybody wants to come up and look at it as well – is to get our opportunity on the ballot so that the residents of Strongsville can vote on this application.

Mr. Gallagher – Thank you, Mr. Benjamin. I would ask that after we're done with this, maybe if you'd step in the back and if the folks want to talk to you personally, this will probably be your first attempt to get to meet the neighborhood there.

Rob Benjamin – Sure.

Mr. Gallagher – Okay?

Rob Benjamin – Sure.

Mr. Gallagher – Thank you.

Rob Benjamin – Thank you.

Mr. Gallagher – Is there anyone else in the audience for the project?

(No comments)

PUBLIC HEARING – Ordinance No. 2009-257 (cont'd):

President Gallagher invited anyone wishing to speak *IN OPPOSITION* to the Ordinance to approach the podium and address Council at this time.

Greg Golonka, 14649 Regency Drive, Strongsville – My name is Greg Golonka; I live at 14649 Regency Drive. I guess my only question I would have is who owns that green area, that space that's going to be left protected or that buffers the development?

Rob Benjamin – We still own that property.

Greg Golonka – All right.

Rob Benjamin – But the portion that would be – the remaining portion that wouldn't be developed for the center would be left as green space on the commercial wing.

Greg Golonka – Okay. But you still own it, so there's potential that that could be asked to be rezoned down the road, if you so decided; or no?

Mr. Gallagher – Gentlemen, you need... you've got to...

Greg Golonka – That's my question.

Mr. Gallagher – We need that on the record. But these are questions, Mr. Benjamin would be helpful when we are done. I think this is...

Greg Golonka – All right, if you don't – I mean, if you don't want me to ask him now, that's fine.

Mr. Gallagher – Oh no, no, no, this is where we're at.

Greg Golonka – My question would be, that green space, would it remain – can it remain – would it remain protected forever or could it be rezoned down the road?

Rob Benjamin – We would – with this plan, our plan would be to keep that portion of the rezoned commercial land as a buffer for the shopping center. That's the important part about this plan, again, is that where it stops and where we show the parking stopping here, all this would remain green.

Greg Golonka – Okay.

Rob Benjamin – Okay. We would not develop that. And, in fact, we could – most likely couldn't develop it or most of it because of the ravine.

Greg Golonka – Yeah, the ravine. Okay, thanks.

Mr. Gallagher – Is there anyone else?

Dennis Wolf, 14541 Windsor Castle, Strongsville – Dennis Wolf; I live at 14541 Windsor Castle; it's the same street that abuts this property. And I was late, so I apologize. I'm not for sure how the engineering's going to be done as far as the storm water off the parking lot; that is going to all dump into the creek?

Mayor Perciak – May I answer that?

PUBLIC HEARING – Ordinance No. 2009-257 (cont'd):

Mr. Gallagher – Mayor.

Mayor Perciak – At this point, we receive no engineering plans at all. The issue here is if we will put this issue on the ballot to rezone the property, and then we get into all of the other – should the people pass this, then we'd get into all the engineering and all the studies and...

Dennis Wolf – Okay. Like I said, I didn't...

Mayor Perciak – So we're a long time away from that.

Dennis Wolf – Okay. My only concern is that creek does run across our common area and we have to maintain part of it, so, obviously, if it's going to add water to it, it's going to be more of a burden for us.

Mr. Gallagher – Well, that's going to be our job to make sure that things like that don't happen.

Dennis Wolf – Sure.

Mr. Gallagher – So, if this were to pass and they do go in there and there are problems, if they do what we tell them to do and there are problems, that's our problem and we'd fix that. But we would hope we're not there yet, that we won't ever get there.

Dennis Wolf – I was just going to say, I'd like to avoid that.

Mr. Gallagher – Right. We have a crack engineering outfit here.

Mary Tlucak, 14650 Windsor Castle Lane, Strongsville – Mary Tlucak, 14650 Windsor Castle Lane. I noticed during the presentation that you used the words 'for now' when you were talking about that buffer. You said there are no plans to develop it 'for now', and you were talking about that green buffer. Once it's zoned, then it could be developed, and you said you probably couldn't even get engineering approval. But once it's rezoned, you wouldn't need the people's approval anymore if you decide you do want to develop it. So is there some guarantee that we have that you won't develop the area that you're calling a buffer right now?

Rob Benjamin – That particular area of the parcel we do not plan to develop at all. But how that would be phrased and done with the City, I'd have to work through that with them and their Legal Department. But our plan would be – because we're very in tune with the residential aspect of this and the folks living in those developments – because I live in a development as well where I live that has retail and such near it – is that is our buffer that we want to keep and we want to make part of this plan.

Mary Tlucak – Okay. I guess my question then is why does that portion need to be rezoned if you're planning on leaving it green forever?

Rob Benjamin – To be hon – I don't know --- Well, we did it just because a lot of it had to do with engineering and setbacks and so on and so forth, so that we could work with the City and their Engineering Department so that we are able to fit in what we wanted to fit in on the parcel that we want to work on. Sometimes when we get into development, there are all kinds of buffering and aspects of buffer zones, from a ravine – Like I said before, the Corps of Engineers, the EPA, they enforce a lot of aspects of this and not even the City of Strongsville will enforce, it's going to be more from those powers that be to enforce that.

PUBLIC HEARING – Ordinance No. 2009-257 (cont'd):

Rob Benjamin (cont'd) - So, we want a little bit of room there so we can maneuver that and make sure that we have enough room; we just don't want to cut it off and then we don't have the room to maneuver. This gives us the opportunity to work with the City, work with the Corps, the EPA and such so that we do it correctly. But however we phrase it, that area would not be developed. We are not going to come in and say ha-ha, we got you and all of a sudden we're going to put more buildings on there; that's not our plan.

Mary Tlucak – So you're guaranteeing that that buffer area will not be developed.

Rob Benjamin – I'm telling you what we're showing here – I mean, give or take a few feet for parking and ingress and egress, I can tell you that's what we want to work within. I'm not trying to do a big switch on you here and saying that we want to do 40,000 square feet, 45,000 square feet, and all of a sudden we want a hundred.

Mary Tlucak – Well, I was a little concerned when you said 'we have no plans for now'.

Robert Benjamin – Right, no; but that's our goal.

Mayor Perciak – Mr. President, I'd like to address that, if I may.

Mr. Gallagher – Mayor.

Mayor Perciak – Ma'am, also, for the record, should this pass – should this, after the people vote on this and should it come before the Planning Commission, we can assure you that we will make certain that the proper conservation easements and restrictions be placed on that by the Planning Commission and voted on by this Council. We understand the Sterling Point subdivision there; Mr. Benjamin and his company have been advised very strongly as to – you know, I remember when that subdivision went in with Don Prebis back in the – when was that, in the 80s, late 80s? – I remember the sales people who sold it, and we're going to make certain that the residents there are protected; we're going to do our very best. Now, Mr. Benjamin has gone on record that he is going to leave that green space there for you, give or take whatever he needs, but we're going to do our very best to make sure that this project is engineered correctly and that all the conservation easements are going to be in place. Thank you.

Mr. Gallagher – Anyone else?

Mr. DeMio – Mr. Gallagher.

Mr. Gallagher – I'm going to close the public hearing.

Mr. DeMio – However you want to do it, I just want to...

Mr. Gallagher – Ma'am, did you want to...?

Shirley Colbert, 14358 Prospect Road, Strongsville – I'm Shirley Colbert, 14358 Prospect Road; I'm directly across the street from this project and I haven't decided which way. I've talked to Mr. Gallagher about this. I have the red hearts on the garage door, so I'm right across the street from it. So where does this go with the sidewalks and the traffic, and eventually are you going to take five houses on Prospect Road and buy us out?

Mr. Gallagher – You might want to talk to Mr. Benjamin over there.

PUBLIC HEARING – Ordinance No. 2009-257 (cont'd):

Shirley Colbert – I'm going to meet with him later, I have other questions for him. Thank you.

Unidentified Voice – No, the City is not going to buy those properties.

Shirley Colbert – Well, it's not for sale yet.

Mr. Gallagher – Thank you. Anyone else?

(No comments)

Hearing no further comments in regard to Ordinance No. 2009-257, Council President Gallagher declared the Public Hearing on said Ordinance closed.

Mr. Gallagher – Mr. DeMio.

Mr. DeMio – Just briefly. I'd like if you would allow the Law Director to explain the process for the ballot and what precincts have to pass it versus the City; if he can go into that, with the Mayor's and your approval, that would be very, very helpful.

Mr. Gallagher – Mr. Kraus.

Mr. Kraus – Yes, Mr. President, Councilman DeMio. The City Charter requires that any land that is zoned residential, R1-75, R1-100 and other residential districts, that if a developer seeks to have that property rezoned, that that issue must go to the electors of the City in two ways. First, it has to be approved within the specific city ward, which in this instance, I believe is Ward 4 of the City, and secondly, it has to be separately approved by the electors by majority vote throughout the entire City of Strongsville and that issue would be on the ballot, if this were to pass, on the May ballot. That charter provision that we have has been upheld by our courts, including our 8th District Court of Appeals here some years ago. So the procedure that we have in our charter is legally valid and binding and if it should not pass both in the city and in the ward, then it doesn't pass and then the developer would not have the opportunity to present a plan. The second point I would like to make if I can is that separate and apart from this rezoning issue, as the Mayor and others have indicated, if it were to pass in the ward and in the city, then they would have to submit plans to the Planning Commission and we would go through a very lengthy process where all the issues that you have raised and others in the audience here would be addressed by our Engineering Department and other administrative departments of the City at the Planning Commission level to ensure that this project is done in a proper manner in the best interests of the residents, and all these issues of buffering and sewerage and drainage and other issues would be properly addressed, including the issue of conserving the natural areas for purposes of buffers. So it is, as the Mayor indicated, a very lengthy process.

Mr. Gallagher – Thank you, Mr. Kraus.

Mr. DeMio – Michael, that's all; I just wanted to make sure that the residents are here understand the process, also understand that if we put it on the ballot doesn't mean we're for the issue or against at this point, it just means they're going to be on the ballot so you can vote. That's basically all I wanted to put on it. Thank you, Michael.

Mr. Gallagher – Okay. Thank you, Joe.

PUBLIC HEARING – Ordinance No. 2009-258:

Mr. Gallagher – We're going to move on to the Public Hearing on Ordinance Number 2009-258. We will not be voting on this this evening; we will hold this until after the May election.

Ordinance No. 2009-258. 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 ROYALTON ROAD AND PROSPECT ROAD IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION (PART OF PPN 393-15-002), AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) 1st rdg: 12-21-09. *Favorable recommendation by Planning Commission 12-22-09. 2nd rdg: 01-04-10.*

Council President Gallagher opened the Public Hearing on Ordinance No. 2009-258 and invited any persons wishing to speak ***IN FAVOR*** of the Ordinance to approach the podium and address Council.

Rob Benjamin, Heritage Development Company, 34555 Chagrin Blvd., Moreland Hills, Ohio - In this particular case the zoning would change from the light business limited (LB) to General Business (GB) upon the approval of this application as well. The first one we discussed was obviously the more important one and we would ask that the City would do that upon the other one being approved.

President Gallagher invited anyone wishing to speak ***IN OPPOSITION*** to the Ordinance to approach the podium and address Council at this time.

(No comments)

Hearing no further comments in regard to Ordinance No. 2009-258, Council President Gallagher declared the Public Hearing on said Ordinance closed.

Mr. Gallagher – Again, we will be voting on 2010-257. We will not be voting on 2010-258 and Mr. Benjamin, after we vote on the Ordinance, if you would take your information into our Caucus room, I'd appreciate that. Anyone in the audience having questions or concerns, this would be a good starting point.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher: There is a meeting February 24th, I will be in attendance. Although I was happy, Mayor, happy to receive in the mail today an invitation to the groundbreaking of the emergency room in northern Medina County. Mark, northern Medina County. Southwest General Brunswick Medical Center. Couldn't be happier to have received that. Read the sarcasm for the record in there, please. I can't wait for the 24th, Mark. Thank you, that's all I have. Any questions?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

SCHOOL BOARD – Mr. Roth: Thank you Mr. Gallagher. There's a meeting later this week, I'll be in attendance. The report will be forthcoming after that meeting. I'd like to re-submit my simple little question, Leslie, from February 2nd to the School Board, never got an answer, so I'd like to resubmit it until they give me an answer.

Ms. Seefried – Ok.

Mr. Roth – And are we going to contact them as far as a group meeting?

Mr. Gallagher – I did and I have not received a response back and it's been about ten days.

Mr. Roth – Let's submit that question again too.

Ms. Seefried – Ok.

Mr. Roth – That's all I have.

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

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: This is no legislation in Recreation this evening.

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you, Mr. Gallagher. I have two pieces of legislation. First is a Resolution, 2010-027, which is a simple transfer of burial rights, recommendation is to suspend and adopt. The add-on, which is 2010-028, this again is for a work easement, a temporary easement -- temporary work easement for a piece of property on Pearl Road having to do with the Pearl Road widening, recommendation is to suspend and adopt. That concludes my report. I'll answer any questions if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: Thank you, Mr. Gallagher. We have one piece of legislation on tonight, 2010-026, it's a D.A.R.E. grant for better than \$46,000.00. The Council and I think the Administration are eager to receive the funding. Once again, I thank the Mayor and your office and our Chief to be on top of these fundings because we could not do the job in which we do without the great assistance from the Police Department and especially the D.A.R.E. program. I know having two kids, one of which had graduated D.A.R.E. and one who is at all the D.A.R.E. dances herself, they're great events and the Chief and the PTA together with the Mayor's office do a great job. So, as a parent I'm thanking you folks for all the work you do for the D.A.R.E. program. The other thing is I think we're coming close to having a visit, pending the Mayor and the Chief's approval, of the police station and things are certainly more intact now than they were when we saw them before. I know I was quite impressed the other day when I just went in to take a little look around and the Mayor will give us that opportunity whenever he sees fit that we could come out and see it. Other than that, I think we have no other business in this Committee, unless there are questions otherwise.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – Questions for Mr. DeMio?

Mayor Perciak – Just a response Mr. President.

Mr. Gallagher – Mayor.

Mayor Perciak – Mr. DeMio, anytime you'd like to set up a tour of the newly construction part of the police facility, we can arrange it through the Chief.

Mr. DeMio – Ok.

Mayor Perciak – I mean it's not...let me put it to you this way; I can't wait for the tour when the old section has been totally renovated and everybody's moved into their proper places because right now since we have the full Police Department working in half of the -- in the newer end of the building and the old end of the building is being re-gutted, you really can't get the real feel as to what it's going to look like. But at least you'll see as to what we've accomplished so far.

Mr. DeMio – Right. The stage --you know, the stages that have been accomplished are quite amazing.

Mayor Perciak – Yes it is.

Mr. DeMio – So, you know, we'll talk better maybe later in the week, Mayor, and we can get that going and maybe we wait another month or so to see a little bit more, whatever you think. But this Council, in your absence a couple of weeks ago, thought we'd like to see it again and...

Mayor Perciak – (Unintelligible)

Mr. DeMio – Okay. That's it.

Mr. Gallagher – Thank you.

PLANNING, ZONING AND ENGINEERING – Mr. Coyne:

Mr. Gallagher – I'll step in for Mr. Coyne. Planning this evening, we have Ordinance 2009-257, which is our ballot issue for May 4th, recommendation is adoption. Also, Ordinance 2009-258 is part two of the ballot issue, place on third reading. Resolution 2010-019, which is to send the 2010-257 issue to the ballot, recommendation is suspension and adoption. Ordinance 2010-020, it permits the additional parcels on Drake, Greenbrier and Hunt Road to tie into the North Royalton W. 130th Street sanitary sewer, the recommendation on that is first reading. I'll take any questions.

(None)

FINANCE - Mr. Dooner: Thank you, Mr. Gallagher. The only thing before Finance this evening is 2010-021, we're going to recommend placing that on first reading. That is all we have, Mr. Gallagher.

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

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: Thank you, Mr. Gallagher. We have no ordinances or resolutions on this evening's agenda. I'd like to briefly report that our Thursday, February 11th business network breakfast meeting was the best attended we ever had, over 150 people. I'd like again to thank Costco for sponsoring that particular event, and our featured speaker, George Stradtlander from Medical Mutual, who took the Health Care Bill of 2,400 pages, which he read personally, and broke it down to something that I was, for the first time since I've been following this health care debate, understood it. And I can only offer my own opinion and it's not good, or it was not good; evidently it's dead on arrival. Our next meeting for Monday, February 22nd will be canceled and we will reschedule or have our normal meeting date of Monday, March 22nd at 7:00 p.m. here at the Communications Center. That's all I have this evening Mr. Gallagher.

Mr. Gallagher – Thank you Mr. Mr. Daymut. That was -- that really was a nice morning. Questions for Mr. Daymut?

(None)

BUILDING AND UTILITIES –Mr. Gallagher: Before Building and Utilities this evening are Ordinances 2010-022, 2010-023, and 2010-024. Those are Ordinances for professional architectural services. All three will be placed on first reading. Resolution 2010-025 is a Resolution that opposes the rate increases and discounts for FirstEnergy and urging restoration of the prior discounts; recommendation is suspension and adoption. I'll take any questions.

(None)

COMMITTEE OF THE WHOLE – Mr. Gallagher: We have one item, it's Ordinance 2010-011, and that is the nepotism Ordinance preventing nepotism in the city; recommendation is adoption. I'll take any questions.

(None)

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

MAYOR PERCIAK: Thank you, Mr. President. Just to reiterate again, because this is extremely important, State Senator Tom Patton and State Senator Tim Grendell will be joining me for a public meeting to be held a week from Monday, or February 22nd – within the next six days, at the Strongsville Rec at the Event Center to talk about these electric rates. So again, that's Monday, February 22, at 7 p.m. at the Rec Center. Now, this Town Hall meeting is being held specifically for residents who have all-electric homes and the change in the rates to the all-electric homeowners. So please, if you have questions, this is an opportunity to talk with especially our own State Senator, Tom Patton, who voted no on this legislation when it was proposed before the State Senate, I think in 2007. So, he will be here to talk to you about this and to explain what alternatives and what processes the Ohio Senate plans to follow here regarding these electric rates. And, as the President of Council discussed in his opening remarks this evening, the people of Strongsville deserve a phase-in period here and time must be given to our residents so that they can adapt to these new rates or find alternative ways in which they can heat their homes.

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

Mayor Perciak (cont'd) - So that's what next Monday is about – or a week from yesterday; so please come and show the support that we need so that there is a big impact brought back to the State House in Columbus so that Tom Patton will have all of your support.

Next, I also would like to announce that we're going to be moving ahead with the installation of sanitary sewers and we're going to be moving over this time to the balance of Ward 1 and a part of Ward 2, which is Drake Road east and all of Greenbrier. We have been very fortunate again as a city to obtain a Public Works grant from DOPWIC – the official name is District One Public Works Integrating Committee – has granted our City a grant of \$452,048 for the installation of sanitary sewers, Drake Road east up to 130th and all of Greenbrier. We will be in touch with the residents there very shortly, as soon as all of the engineering is complete. Once the engineering is complete, we will be out there having meetings with you. Councilman Daymut, Councilman Haseley will be meeting with you, along with my administration, to discuss all the pros of finally complying with the EPA and the Board of Health recommendations as far as eliminating septic tanks in our City. So we continue to move on, and as long as there is financial assistance available to the City of Strongsville, we would be remiss not to take advantage of this assistance. So again, the assistance grant that we are receiving, which will be passed on directly to the residents, is \$452,048.

Lastly, I will be delivering my State of the City address and that will be on Tuesday, March 16, again at the Event Center. Anyone wishing to attend and participate in the luncheon please contact the Strongsville Chamber of Commerce and make arrangements and reservations with them. If you want to come for lunch, if you just want to come for the State of the City address, there will be space available for you and seating available for you, and the address will probably begin somewhere in the neighborhood of 12:30 p.m. We plan on starting about noon, and the address will be at 12:15 or 12:30. So, the public is welcome to come. That ends my report, Mr. President.

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

(None)

FINANCE DEPARTMENT - Mr. Dubovec: Thank you, Mr. Gallagher. Just wanted to let you know I was contacted Friday by the Auditor of State's Office and they're itching to get started, so they're going to do some preliminary work and they'll be in our office on March 1st to start the 2009 audit, which is the earliest since I've been employed by the City, and which is good news. Secondly, funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funding. And that's all I have.

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

(None)

LAW DEPARTMENT – Mr. Kraus: Yes, Mr. President, a few items to report. Recently the City, through Mayor Perciak, issued as revised public records policy. There were some minor adjustments that were necessary as a result of the Attorney General of Ohio's adjustments to their model policy with respect to public records. So that matter has been issued and has been distributed to all of the City departments.

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

Mr. Kraus (cont'd) – I would also like to report that last Friday I attended a case management conference in Common Pleas Court regarding the Northeast Ohio Regional Sewer District lawsuit concerning their storm water program and proposed storm water code. The Court discussed mainly procedural matters and the Court scheduled another conference for all parties on April 9th. I would indicate that there were approximately thirty-nine or forty of the sixty-two communities that have been served notice of the lawsuit who appeared at that case management conference.

Last Thursday afternoon I attended an excellent meeting at the Cuyahoga County Law Director's Association where we were presented with case law updates and statutory updates as well as other topics of current interest to municipalities.

Our next legislative deadline is this Thursday, February 18th.

And finally, all ordinances and resolutions before City Council this evening are in proper form. Thank you.

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

(None)

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the segment of our agenda set aside for audience participation. Anyone in the audience wishing to address Council we welcome your comments. If you'd step to the podium, we need your name and address for our record. We don't have anyone signed in, but is there anyone in the audience wishing to address Council? Mr. Vassil.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive, Strongsville, Ohio. Does anybody... Well this actually... Mr. President, may I ask the Law Director a question?

Mr. Gallagher – Mr. Vassil, you can do whatever you want.

Bill Vassil – That's what I figured.

Mr. Gallagher – After I saw you... I don't want to light that firecracker called Bill Vassil this evening with that...

Bill Vassil – Does anybody in the judicial system understand what can happen if this legislation or this lawsuit goes against the cities? Do they understand what can happen? You're going to be taxing industry, you're going to be taxing the malls, you're going to be taxing me, my driveway. I mean, when is it going to stop? We're going to have people moving out; period, end of report. I can go to North Carolina and build a plant and have no EPA problems, nothing. Why would you want to stay in Ohio and pay all these taxes? This is now getting back. Then you add our Illuminating Company, our First Energy with their bills. You know, my son's got a gymnasium over in Parma, it sold out; his electric bill went up two thousand dollars a month. Two thousand dollars a month.

AUDIENCE PARTICIPATION (cont'd):

Bill Vassil (cont'd) - Mr. Gallagher has a friend that has a cottage out in Marblehead, fifty by twenty or fifty by forty, haven't been there, what, October? Six hundred – what was it, six hundred dollar bill?

Mr. Gallagher – Six hundred dollars.

Bill Vassil – Six hundred dollar bill. His heat is set at fifty degrees. No hot water, nothing. What are they trying to do to us? When is it going to stop? One more thing and I'll get out. Over on Shurmer, three houses from my favorite man, those cars have been in the front yard all winter long, plus all the cars in the back yard. You've gone by, you've seen them, Mr. Haseley has seen them. What are we going to do? What are we doing to these people? Is it a Pusch relative? I don't care, if he wants to sue me, let him sue me.

Mr. Gallagher – No names, please.

Bill Vassil – That's okay, it's your buddy.

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

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2009-257 by 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 ROYALTON ROAD AND PROSPECT ROAD (PARTS OF PPN'S 393-15-002; 393-15-003; 393-15-004) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) *1st rdg: 12-21-09. Favorable recommendation by Planning Commission 12-22-09. 2nd rdg: 01-04-10. Public Hearing: 02-16-10.*

Motion to adopt by Mr. DeMio, second by Mr. Dooner.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-257 ADOPTED.

Ordinance No. 2009-258 by 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 ROYALTON ROAD AND PROSPECT ROAD IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION (PART OF PPN 393-15-002), AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) *1st rdg: 12-21-09. Favorable recommendation by Planning Commission 12-22-09. 2nd rdg: 01-04-10. Public Hearing: 02-16-10.*

Third reading. Referred to Planning, Zoning and Engineering Committee.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-011 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING SECTION 266.21 OF CHAPTER 266 OF TITLE SIX OF PART TWO-ADMINISTRATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO PROHIBIT NEPOTISM IN EMPLOYMENT BY THE CITY, AND DECLARING AN EMERGENCY. *1st rdg: 01-19-10. 2nd rdg: 02-01-10.*

Motion to adopt by Mr. DeMio, second by Mr. Dooner.

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-011 ADOPTED.

Resolution No. 2010-019 by Mayor Perciak and Mr. Coyne. A RESOLUTION PROVIDING FOR THE SUBMISSION OF ORDINANCE NO. 2009-257 TO THE ELECTORS, ESTABLISHING AN ELECTION DATE THEREFOR, 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. Dooner. All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-019 ADOPTED.

Ordinance No. 2010-020 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING ORDINANCE NO. 1977-12 TO PERMIT CERTAIN ADDITIONAL PERMANENT PARCELS LOCATED ON DRAKE ROAD, GREENBRIER DRIVE AND HUNT ROAD TO TIE INTO THE NORTH ROYALTON WEST 130TH STREET SANITARY SEWER AND THE EXISTING NORTH ROYALTON SEWER DISTRICT "A" SANITARY SEWAGE DISPOSAL PLANT, IN CONNECTION WITH THE DRAKE ROAD EAST SANITARY SEWER EXTENSION PROJECT.

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

Ordinance No. 2010-021 by Mayor Perciak and Mr. Dooner. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SECOND AMENDMENT TO THE AGREEMENT BETWEEN MUNIS, INC. AND THE CITY OF STRONGSVILLE DATED JANUARY 28, 2004 FOR AN EXTENSION OF THE CONTRACT TERM FOR AN ADDITIONAL THREE (3) YEAR PERIOD AND CHANGE IN THE CONTRACT PRICE FOR THE FURNISHING, DELIVERY AND INSTALLATION OF COMPUTER HARDWARE AND SOFTWARE AND OTHER SERVICES FOR A FINANCIAL MANAGEMENT INFORMATION AND APPLICATION SYSTEM FOR THE FINANCIAL FUNCTIONS OF THE CITY OF STRONGSVILLE, WITHOUT FURTHER PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

First reading. Referred to Finance Committee.

Ordinance No. 2010-022 by Mayor Perciak and Mr. Gallagher. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ANTHONY BUMBALIS FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE BUILDING CODE OF THE CITY OF STRONGSVILLE AND THE OHIO BUILDING CODE, AND DECLARING AN EMERGENCY.

First reading. Referred to Building and Utilities Committee.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-023 by Mayor Perciak and Mr. Gallagher. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JOHN B. KORNICK FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE BUILDING CODE OF THE CITY OF STRONGSVILLE AND THE OHIO BUILDING CODE, AND DECLARING AN EMERGENCY.

First reading. Referred to Building and Utilities Committee.

Ordinance No. 2010-024 by Mayor Perciak and Mr. Gallagher. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH JULIE SIPKA FOR PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE BUILDING CODE OF THE CITY OF STRONGSVILLE AND THE OHIO BUILDING CODE, AND DECLARING AN EMERGENCY.

First reading. Referred to Building and Utilities Committee.

Resolution No. 2010-025 by Mayor Perciak and All Members of Council. A RESOLUTION OPPOSING RECENT RATE INCREASES AND ELIMINATION OF CERTAIN DISCOUNTS BY FIRST ENERGY, AND URGING RESTORATION OF PRIOR DISCOUNTS FOR ALL-ELECTRIC HOMES.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-025 ADOPTED.

Ordinance No. 2010-026 by Mayor Perciak and Mr. DeMio. AN ORDINANCE APPROVING THE ACCEPTANCE OF FINANCIAL ASSISTANCE UNDER THE DRUG ABUSE RESISTANCE EDUCATION ("DARE") LAW ENFORCEMENT GRANTS PROGRAM, 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. Dooner. All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-026 ADOPTED.

Resolution No. 2010-027 by Mr. Haseley. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Myers)

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-027 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-028 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR A FEE SIMPLE INTEREST, A PERMANENT EASEMENT FOR HIGHWAY PURPOSES, AND A TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 16000 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. [Tam]

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-028 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 8:55 p.m.

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

March 1, 2010
Date of Approval