

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON MARCH 1, 2010.

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Monday, March 1, 2010 at 7:15 p.m.***

Present: Council Members Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, and Mark A. Roth. Also Present: Clerk of Council Leslie 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.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering: Chairman Coyne advised that Council has before it this evening an amended version of Ordinance No. 2010-020, reflecting a revision to the agreement between the cities of North Royalton and Strongsville. He recommended amendment by substitution, suspension (as amended) and adoption for the Ordinance, which amends 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. Mr. Coyne recommended suspension and adoption for Ordinance No. 2010-029, in connection with the issuance and approval of Change Order No. 1 for an increase in the contact price between the City and Mr. Excavator, Inc. in connection with the Westwood Drive Culvert Replacement Project. The Change Order is for \$30,970.

Finance Committee: Chairman Dooner recommended suspension and adoption 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. The Law Director advised that a unanimous affirmative vote is required for adoption of this Ordinance.

Building and Utilities Committee – Chairman Gallagher recommended suspension and adoption 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. Councilman Roth asked the Building Commissioner the reason for retaining all three of these individuals. Mr. Biondillo responded that these individuals provide plan review services and that he prefers to retain all three, due to the number of plans submitted to the Building Department for review. He explained that the City pays no out-of-pocket expenses to retain these individuals, as they are contractual employees that are paid only for the plans they review.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinance No. 2010-030, making application for financial assistance with the Ohio Department of Public Safety under the Ohio EMS Grant Program for the purchase of emergency medical equipment and training.

Economic Development and Technology Committee: Chairman Daymut recommended suspension and adoption for the following Ordinances: 2010-031, dealing with the purchase of computer, printer and scanner products and supplies through state contracts; 2010-032, requesting participation in State of Ohio Administrative Services contracts for the purchase, installation and maintenance of network equipment, installation, configuration, analysis and planning, IP phone services and miscellaneous network services in support of the City's overall voice/data network; 2010-033, for the purchase through state contracts of equipment, supplies, installation, maintenance, repairs and other services for the City-wide radio communications system; and 2010-034, to file an application with the Ohio Department of Development's Economic Development Division for Job Ready Sites Program Funding assistance in connection with the Foltz Parkway Extension and/or other economic development purposes.

Recreation and Community Services Committee – Chairman Gallagher recommended suspension and adoption for Ordinance No. 2010-035, which repeals Ordinance No. 2009-249 and authorizes, approves and ratifies entering into a contract for the purchase of general foods and dairy products for use at the Recreation and Senior Center, without public bidding. The Law Director advised that a unanimous affirmative vote is required for adoption.

Committee of the Whole: President Gallagher recommended suspension and adoption for Resolution 2010-036, urging the Ohio Legislature to reduce the negative impact of its new tax on hospitals; and for Resolution 2010-037, supporting the efforts of the U.S. Census Bureau in conducting the 2010 census. Mr. Gallagher stated the 2010 census is actually very important and we would hope they find as many people living in the City as possible, because the larger our population, the more we will be recognized by the federal government. Mayor Perciak concurred, stating a population over 50,000 would qualify the City for greater federal funding and grants.

President Gallagher asked if any Council members had questions for the directors. Mr. Roth asked Mr. Bedford to shed some light on Ordinances 2010-031 and 032, stating that every year we spend a lot of money in that department. Mr. Bedford states those are vendors we use on a regular basis, so between Fire, Police, Service, etc., used for radio equipment, computer parts/pieces and to take care of the phone system of the whole, these are going to be used for the entire operation of the City. Also, we cannot get a grant for radio equipment to go through until this passes first. The Mayor stated this was all included in the City's budget and it will not exceed the dollar amount in the legislation. Mr. Roth questioned that he believed we had enough computers, printers, and scanners; we invested millions of dollars over the last few years. Mr. Bedford states a lot of this goes into the police and EMS vehicles along with the mounts, accessories and cables needed for the radio equipment. Mr. Daymut stated due to the nature of the business, often times computers go down, crash, printers no longer function, etc. The City has four fire stations, a police station, rec center, building department, etc., power outages could happen and systems can potentially crash. Mr. Bedford states equipment already in the twenty-eight vehicles have had a lot of use, they cost roughly around \$4,600.00 apiece. Chief Goss states a lot of the cost/use goes to the Police Department; for example, the Motorola contract is virtually all of use for Police and Fire Departments; when computers are used twenty-four hours a day, seven days a week, their life cycle is around three years.

Mr. Biondillo distributed foreclosure list current from 02/25/10. Starting next week, we will go through the City; Chief Goss puts houses that are unoccupied/vacant on watch. We use this list to show which properties have to be maintained and then bill through County Auditor for collection. The Mayor stated this is an indication that the local economy is still slow. Mr. Roth asked if the homes on this list were in addition to the list from last year. Mr. Biondillo stated no, that this is just an updated list.

The Mayor informed Council that the City's contract with American Water is due to expire at the end of March; we get a six-month extension. We have been going back and forth with them just like the Northeastern Ohio Regional Sewer District. We were not able to enter into any meaningful negotiations with the Sewer District to purchase our plants at this time simply because we do not have a fairness opinion as to what our plants are actually worth. We have an appraisal of what the plants and all the pipes within the city are worth, but we do not have the actual plants broken down. We went back and forth with American Water for the past nine months and they have agreed tentatively as for the balance of this year that there will be a zero increase, and that is a big difference from the original proposal of eight percent. We hope to do a five-year deal with them and it will be zero for the rest of this year and five and a half for each succeeding year, which will end in 2014. The original was an eight percent increase each year. In the meantime, we are going to get some bids from outside consultants to take a look at each one of our plants to see as to what, if any, updating we need within those plants. He stated we would come back to Council with the study if we need to do updating there because we will have to use the sewer fund or bond it to get all things updated. We have done financial analysis from all sewer bills from each piece of real estate that contributes to our sewers in the city and we understand what we are paying out and what our net is on that. We are watching this very carefully. The Mayor stated the cost each year is in excess of a million dollars. In the event we get a fairness opinion as to what the plants are worth and in the event the Sewer District is still interested in purchasing those plants from us, we will bring that to Council. At the same time, we asked American Water to allow us to exit from that five-year agreement. There will be penalty provisions for early exit; if that happens, we will pass that along to the Sewer District. We cannot expect American Water to enter into a five-year agreement and be terminated early after they base their projections over a five-year contract. It is a standard operating procedure for penalty. Mr. Kraus was advised we might have something from them, if we are lucky, Friday. The Mayor stated we are moving very tight on this thing and we want to have this taken care of by the end of March. Mr. Walker stated the deal we have with American Water is a very good deal for the City. The Mayor commented that once we become a customer of the county, we become another number. When something goes wrong and that system becomes taxed, what do we do when we are just another number; then you have residents upset.

Motion was made by Mr. DeMio, second by Mr. Daymut, to adjourn from open session into executive session [Article XI, Section 9, City Charter] to discuss collective bargaining, personnel and legal matters. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:37 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak and Law Director Kraus. Motion was made by Mr. Daymut and seconded by Mr. Haseley to conclude the Executive Session and reconvene in open session. All members present voted aye and the motion carried. The executive session concluded at 7:50 p.m.

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON MARCH 1, 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 March 1, 2010 City Council Meeting here in the City of Strongsville.

CERTIFICATION OF POSTING:

The Clerk of Council certified that the meeting had been posted in accordance with Ordinance No. 2004-273.

ROLL CALL:

Present: Council Members: Patrick J. Coyne, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, Mark A. Roth III, and Michael J. Daymut. Also Present: Leslie 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.

Motion by Mr. DeMio, second by Mr. Coyne, to amend the agenda by adding Ordinance 2009-242 as the first item under Ordinances and Resolutions, and by adding Ordinance 2010-038 to the agenda as the last item under Ordinances and Resolutions. All members present voted aye and the motion carried.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of February 16, 2010 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

None.

PUBLIC HEARING:

President Gallagher – Ladies and gentlemen, we have two public hearings this evening. The first one will be 2009-242, which I'm sure you're all here for, it's the Sheetz legislation. I will ask you – the first people coming up will be those for it, the second group will be those against it – I will ask that those that are for and against it, if you don't duplicate what you're saying; we are very well aware of what's going on and what's in the legislation.

PUBLIC HEARING (cont'd):

Mr. Gallagher (cont'd): So, if you'd listen to the people in front of you so we can move it; there are a lot of people that would like to talk, so we don't want to keep saying the same thing, so if you have something different to say it would be greatly appreciated. Okay?

Ordinance No. 2009-242 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-005) AND FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006). (The Polivchak Company, Owner. Stephen W. Funk, Attorney for Sheetz, Inc., Agent. Proposed Sheetz convenience store) *1st rdg: 12-07-09. Favorable Recommendation by PC 01-14-10. 2nd rdg: 01-19-10.*

Mr. Gallagher – We also will be voting on this this evening; we will be taking a break after we have the Public Hearings this evening.

Council President Gallagher opened the Public Hearing on Ordinance No. 2009-242 and invited any persons wishing to speak ***IN FAVOR*** of the Ordinance to approach the podium and address Council at this time:

Stephen Funk, Roetzel & Andress, 222 South Main Street, Akron, OH 44308: Good evening. Stephen Funk of Roetzel & Andress, 222 South Main Street, Akron, Ohio, 44308, here on behalf of the applicant, Sheetz. I have with me today a number of members of our team that I want to introduce. Here in the front row is Michael Hobbs, he is an engineer at GPD; his colleague, Kira Kabo, who is an engineer at GPD; and we also have H.C. Fownes– if you could just raise your hand or something – who is a real estate representative with Sheetz; and then David Mastrostefano, who is the Project Engineer for this project, of Sheetz. And David, if you – He's got to set up a little pedestal, if you'll bear with me. As Council is aware, this is two parcels that are at the intersection of Pearl Road and Whitney. Essentially, we are asking for rezoning from a commercial zoning classification to another commercial zoning classification – GB/R-RS to MS, Motorist Services. And what we have here, this is just a map to kind of orient you to the area -- you're all familiar with it. This is the property, actually to the southwest of the intersection of Pearl Road. Across the street is actually already zoned MS and there are about five other zonings of MS within the commercial corridor that runs along Pearl Road. And the key thing I want to emphasize is that the area that is outlined in pink is all the area that's already zoned commercial, so the property that we have here is already within a commercially-zoned area that runs along Pearl Road, US 42, essentially between the intersections of the interstate here at 71 and then the exchange of 71 and 80 down here where the Ohio Turnpike is. This property in particular is directly adjacent to the Turnpike, as well as Pearl Road and Whitney. And as you're aware, all this is an area that's in general transition – there's a Lowe's and Home Depot and Wal-Mart that have been built in the last decade. This particular property, though, has been essentially vacant and unused for quite some period of time and we submit that our proposal is actually going to help in working towards continuing the economic development of this area, and an important piece of ensuring that that development continues. I do want to emphasize, though, that we are going to show you our site plan, but we're not really here for site plan approval, we're here for rezoning.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Stephen Funk (cont'd) -Ultimately, this – once we get the rezoning, it'll still have to go through an extensive site plan approval process where we'll have to present our plans to the Engineering Department, to the City for review, approval, comment; there will be lots of consultants who will be looking at this from a storm water perspective, from a lighting perspective, making sure that all the code provisions are complied with and that's an extensive process in and of itself that will occur only after rezoning. But, however, at the City's request, we did have a meeting in early January with the residents in which we tried to talk a little bit about the site plan issues, hear what concerns were being raised about the site plan and try to address those concerns. That meeting occurred in January, early this year, I think there were about eighteen people or so in attendance, and generally what the concerns that what we heard were only related to three different areas; one is just questions about landscaping and buffering, the second one is lighting and the third one is traffic, and I just want to kind of address those three issues here briefly. The first is, on landscaping, we have a site plan that I'll have Mr. Mastrostefano, in a moment, just outline for you. But after the public meeting we did make some efforts to try to beef up the amount of landscaping here. This is actually a very large site, so there is a lot of room for additional landscaping, buffering. We are going to be complying with all the setback requirements; as you know, the City code has fairly stringent requirements when it comes to setbacks, as well as areas that abut up against residential. But the key thing to remember is that on two sides of this property, one of them is along the Turnpike, so there is no residential on that side, and then, also, the other one is on Pearl Road directly across from another area that is Motorist Services. So we're really talking about is the side that's along Whitney Road, there about five residences on the other side of the street, those residents are – on that side of the street there is a Circle K and there is already some lighting that's there on that intersection. The key thing about our site plan that I'll have Mr. Mastrostefano talk about is that it's going to be using down-lighting, LED lighting, which is a more advanced lighting that is not going to have any offsite impacts, and that's going to be the important thing that ultimately the City will be reviewing because there is a light planning consultant that the City relies on to review and approve the plans and to make sure that that is, in fact, the case. On traffic – there was some concerns raised about traffic and one thing I want to emphasize here is that Sheetz is a convenience store and that it relies upon existing traffic. In other words, it's going to pick up on the existing traffic that's already on Route 42. The business model really isn't one in which is anticipating any cars getting off of the Ohio Turnpike in order to access the Sheetz. If you'll notice, the intersection is far enough away that it's not going to be very convenient for that. What they're picking that intersection for is because it's along that existing commercial corridor where there already is the existing traffic that they would be picking up customers from. It's not a – in that sense, it's different than retail in that it's not a destination, it's a convenience store that picks up on existing traffic. So that's an important thing to remember. I'd like now to turn this over to Mr. Mastrostefano, who is the Project Engineer for this, and he's just going to outline a little bit the site plan issues that I briefly overviewed. Then I'm going to ask Mr. Mark Majewski, who is here tonight, he is an expert Land Use Planner from North Star Planning, he's got over thirty years of experience of land use planning here in northeast Ohio and we've asked him to sort of provide his expert thoughts on this rezoning petition. And then I can conclude with some additional comments I'd like to make just to close up and then, Mr. President, if it's okay if we turn it over for additional public comment, and I would just like the opportunity on behalf of the applicant to have perhaps an opportunity for rebuttal so that I can respond to any other additional issues that we haven't addressed for tonight.

Mr. Gallagher – We will not have rebuttal this evening. And, actually, if you can move it a little bit because we're kind of on time here, I've got a lot of people wanting to talk.

Stephen Funk – Okay. With that, let me turn it over to Mr. Mastrostefano.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

David Mastrostefano, 817 Brookfield Drive, Seven Fields, PA 16046 – My name is David Mastrostefano. I'm an in-house engineer, I'm current manager for Sheetz. I am a registered professional engineer in the states of Ohio, Pennsylvania and Tennessee. I have been with Sheetz a little over five years, I have been working on Sheetz projects for almost twelve years and I have over fifteen years of engineering experience doing land development projects. As Stephen mentioned, filling the north to south here is Pearl, you have Whitney going east and west; we're proposing a Sheetz convenience store with two rings of pumps as positioned, one almost parallel to Whitney, the other one parallel to Pearl Avenue. Against the Turnpike is a proposed single-bay automatic car wash. Proposed entrance here, on the southern side of Pearl, a dive-in entrance here more toward the northern part off of Pearl, and then a full access entrance here off of Whitney; this one is about the same location as the existing entrance that is there today. This entrance is a little bit further south from the intersection of the existing facility is today – or entrance in that facility is today. As Stephen mentioned, we had met with the residents, there were some concerns over buffering and landscaping, and what we have come back with is a proposal that was introduced that we would berm up the Whitney side with about a three to four foot high berm and plant a series of vegetative trees and shrubs and things of that nature on this berm to screen the residents to the north along Whitney. You already have an embankment and existing vegetation to the south; Pearl is a major roadway through here, so we do have some accent landscaping along the perimeter, and then to the west we already have in existence a substantial tree hedge or tree line and we will be supplementing and augmenting that. But the big point is, is the berming up and construction of an evergreen-type buffering here along Whitney; we are proposing to do that berm all the way to the intersection. On the other side of the intersection there were some questions about keeping some of the existing trees that are in this general location on the plan, and we will work with staff, whatever the pleasure is of the City of Strongsville as to whether we keep those or come in with all new vegetation as screening. And again, like Steve said, we've still got a site plan process to go through to work with staff on that. We had met – or our engineer had spoken to the City Arborist about this current plan and it was my understanding that the current plan was adequate as far as the Arborist was concerned. Stephen mentioned lighting. We are going to be using LED lighting, it's going to be down-lighting; LED lighting is a more energy efficient, drastically more expensive lighting to be used on the facility, but it's a cleaner light, your eyes see through it better, it's optically better controlled for down-lighting and positioning light in areas that we want to shield it or not shield it. I will note that here at the intersection there are several street light, cobra-head lights that are unshielded that are very visible from the area; those lights are actually much higher than any lighting we would be putting up. There is also a cobra-head light that shines over top on Whitney, which is also unshielded and which is shining into these properties on Whitney. Again, all our lighting is going to be into the site, will be shielded and will be down-lighting, so I think we're going to be providing a better lighting scheme. And there is an ordinance for lighting; any development here will have to abide by that, whether it's our type development or any other development, and we will adhere to whatever the requirements are of the ordinance considering lighting. So again, this is our conceptual site plan. We had met with the City originally with this concept, so we are here this evening to seek your approval for the rezoning.

Mr. Gallagher – Thank you.

Stephen Funk – At this time I'd like to invite Mark Majewski to talk with his comments. Again, Mark is an expert Land Use Planner with North Star Planning, he does a lot of work for municipalities as well as for developers.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Mark Majewski, North Star Planning and Design, 3091 Mayfield Road, Cleveland Heights – And I'll heed your request to be as quick as possible, Mr. Chairman. Good evening, Mr. Mayor and Members of Council. My name is Mark Majewski. I am a professional planner with over thirty years experience with North Star Planning and Design. My office address is 3091 Mayfield Road, Cleveland Heights. I was asked to examine this rezoning and to share my thoughts with you. Obviously, I've looked at the site and the surrounds and the district that this property is part of and, on the basis of that examination, it's my professional opinion that the proposed MS rezoning is appropriate and should be approved. And there's a number of considerations that support that opinion. Obviously, this is a big business corridor, it's got six or more MS sites already in this corridor, so a precedent has been set for this zoning district. This is a corridor which has a wide mix of business uses which depends on very heavy traffic, which, as the applicant mentioned, they also depend on the traffic that's pass-by in the district. It's apparent from looking at this business corridor that it's been here a long time, that it is in some transition, you're having some success there in terms of some new development; it's obvious there are some uses that are – I'll guess I would call them marginal, that are probably looking for another use or some redevelopment at some point in the future, and this type of reinvestment helps that kind of thing along. This is a kind of reinvestment that a lot of communities with some older commercial districts are looking for, so hopefully Strongsville welcomes this opportunity. As mentioned, it's already at the corner of a busy intersection; I guess looking across the street and seeing some of the empty properties that are there, you should anticipate that this is going to be a different place in the next couple years when those other corners get redeveloped, this will be a busy intersection. I'm aware that the residents have raised some concerns about potential impacts. I've looked at your site plan standards, they're pretty typical as far as many communities go, and it's my opinion that you'll be able to help protect these neighbors in the best possible way by using those standards. I guess with that I will close my comments and certainly be glad to answer any questions for Council.

Mr. Gallagher – Thank you, sir. Mr. Funk?

Stephen Funk – That basically concludes our presentation. I just want to emphasize a couple of things. One is that Sheetz, if you're not familiar with them, they're a family-owned, operated company, they make – really have made some great efforts, they're actually one of the few companies in this area right now that are expanding and constructing, doing new development in northeast Ohio and there are not a lot of businesses that can say that. One of the things that they have taken pride in is really coming up with a store design that's attractive, and I think the one at Prospect and 82 is a good example of that. They're very good to work with, I think they see themselves as a good community partner, they expect to employ about fifty-five people and invest in millions of dollars in this community and we're willing to work with the City on developing whatever landscaping you think is appropriate, the lighting plan, to have that approved with the City's land consultant, and ultimately come up with a design that is something the City can be proud of. And we think that this is going to be an important part of the continuing economic development of that very important business corridor and I'd hate to see the City chase that opportunity away and have this property continue to be vacant and potentially deteriorate further in the coming years. So we ask here for your support, this rezoning petition, we think it's in the best interests of Strongsville, that it's an appropriate zoning for that area, and that you allow us to move to the next step, the site plan review stage, and we ask for your support tonight. Thank you.

Mr. Gallagher – Thank you. Is there anyone else in the audience for? Mr. Vassil.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil; 18271. I had the occasion last Sunday to go by Sheetz, Route 82 and Prospect; I slowed down and I checked every light and they're all shielded and they go straight down, they do not go across the borderlines of the property. And if we're going to get fifty more people working here, that's more tax dollars for us to use. Thank you.

Mr. Gallagher – Thank you, Mr. Vassil. Anyone else in favor?

(No comments)

President Gallagher noted that now is the time for those **IN OPPOSITION** to the Ordinance to address Council.

Mr. Gallagher – Those opposed, I do have a sign-in sheet, so I'm going to go off that, if you don't mind.

Unidentified Voice – Excuse me, Mr. Mayor. I called the...

Mr. Gallagher – Excuse me. Come to the microphone.

Unidentified Voice – You know, I called in this morning to ask about the opportunity to speak tonight and I was informed that there would be a line forming of everyone who wanted to speak and no sign-in sheet was going to be used. No one showed me that and I've been here since seven o'clock.

Mr. Gallagher – Well, if you're not on the sheet, we'll allow you to talk at the end, that's okay. If you're not on here, don't worry about it, we'll let you talk.

Unidentified Voice – Thank you.

Mr. Roth – In fact, I'm not on the sheet, but I'm going to go last.

Mr. Gallagher – Now I'm being told what you were told is correct, so I won't... Those on here I'm going to assume are here for Sheetz, so I'm going to go down this list, to be fair. If you're here for another reason, please just let me know and we'll skip you by. Okay? Jeff Johansen.

Jeff Johansen, 15706 Sassafras Drive, Strongsville – My name is Jeff Johansen and I live at 15706 Sassafras Drive in Strongsville. I'm a twenty-two year resident of Strongsville, we live on the north side and we're called the north side of 82, if you will, on this side of the neighborhood. I've seen a lot of progress in the years since I've lived down here, I know some of the motels and things like that have been cleaned up and that's a positive thing, but I'm here to say that I am against the zoning of this Sheetz gas station. Reasons why are, obviously are the obvious twenty-four/seven operation, the crime. You folks look at the Blotter every week, the crime thing, ninety percent of your crime is in this area, so this only increases that crime with this type of operation. As far as other reasons, you got housing market; I mean, our houses in this area have depreciated substantially. There are small businesses in this area that are going to be affected by this. My own property depreciated. Small businesses in the area that I'm referring to are the Circle K right across the street, obviously, the Marathon gas station a few feet down, these folks have invested in their property, they've added and they've enhanced the property to make it go with the neighborhood. And now, basically, these – somebody's going to end up going out of business and you're going to have nothing but empty buildings in these areas.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Jeff Johansen (cont'd) - And I'm not just talking about these two, I'm talking about the GFS, that's another one; you've got a super Wal-Mart that's up and running now and these businesses are struggling. Entenmann's on the corner there; Wal-Mart sells the stuff for half-price, so now they're struggling. These buildings are all going to be out in the next two or three years. Somebody needs to take note of this, Mayor, I mean, this is happening in our neighborhood. Another perfect example – I know my time's going – is the MC Sporting Goods store; when Dick's Sporting Goods opened up, that all went out of business as well, that's a perfect example. History speaks for itself. Enterprise Car Rental. I'm living down the street, I'm actually in the back yard of the Enterprise Car Rental, just went up last year. I was here for a meeting a year ago at this time and basically it was a rezoning meeting for the same thing. Our homes – there were five acres of woods that were removed, there was a two-story building that was built for this Enterprise Car Rental; yes, it created two hundred fifty jobs, but we were told years ago, Mayor, that there would be no more two-story buildings in a residential area. Now we have these so-called LED lights that are shining from dusk to dawn seven days a week, we have a two-story building with the lights on that are looking in back yards – our back yards, our back windows – it's less than five hundred feet from our houses. My house was valued at \$250,000 two years ago; my neighbor next door is selling their house today for \$179,000 and they can't sell it. This basically tells you what is happening on the north side of 82. So what I'm asking is that we don't do this, we come up with a better plan and see where it goes from there. Thank you.

Mr. Gallagher – Thank you. Gregg Monin.

Gregg Monin, 11634 Emerald Edge Place, Strongsville – Thank you, Mr. Mayor, Mr. President and Council Members. My name is Gregg Monin; 11634 Emerald Edge Place. And the last speaker's points were right on the money, so I'm not going to go there. I think we all know that the population anywhere near the proposed sites of the Sheetz station is saying, 'Whoa, no.' Who is pushing it forward, I have no idea, but there's already six Motorist Service locations, they have already pointed them out to you; we don't need a gas station, that's pretty clear. As far as lighting; when I moved to Strongsville – I've only been here thirteen years and I've seen it go from where I could go in my back yard and look at the stars to where I can go in the back yard and look at the glow, that's all I can see. If I get up in the middle of the night and – you fellas know what I'm talking about – you look out the window, everything's glowing; it's like the moon is full every night of the week. We don't need any more lighting, and I don't care what kind of lighting it is, it's more light pollution and it's time we take a look at it in this town. They talked about building berms around the outside to hide it; how are you going to hide a twenty-five foot tall orange canopy? I mean, I don't think a three-foot berm is going to hide it. That's basically, you know, other than the obvious traffic that it's going to mess up at Whitney and Pearl... Whitney and Pearl, I don't know how many of you go through there, but it's not an easy exchange; it's a lot of traffic moving through a fairly small intersection and now we're going to add to it. So, between the lighting, the traffic and the fact that I don't think the last speaker – sorry, I forgot your name – is interested in those huge orange canopies in his back yard, so that's all I have to say. Thank you.

Mr. Gallagher – Thank you, Mr. Monin. Mr. Davis?

Langster Davis, 18290 Whitney Road, Strongsville – Langster Davis, 18290 Whitney. Well, I've lived quietly in this neighborhood for eighteen years; you probably don't know me; my first time. But this is a real problem. My driveway is right across from the entrance into where they are talking and there's always a problem right now trying to get in and out. And I'm the type of person, I have to go to work. I'm supposed to be in bed now, I have to go to work at two o'clock in the morning. But, can you imagine trying to sleep daylight hours and then you still got glow at night? So, I'm begging you, you know, help us out. My house is just going to nothing now, I won't be able to sell it; I can retire after next month and can't sell my house.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Mr. Gallagher – Thank you, Mr. Davis. Moira Lusky?

Moira Lusky, 14089 Pine Lakes Drive, Strongsville – Good evening. Moira Lusky; 14089 Pine Lakes Drive. Ditto what these earlier men have said already; I just want to add a few things. I've lived here for ten years. I have been in touch with Council, I've been in touch with – I think it was Mr. Haseley at the time, after Mr. Ehrnfelt left us, I've been in touch with the school board regarding the lack of daycare facilities at our end of town. I work full-time, I'm a teacher, and in order for me to go to a daycare I have to go backwards to go back to my school to go backwards to pick up my kids. I feel like we were bamboozled five, six years ago into the Crocker Park-like setting that is now a Lowe's less than a mile from Home Depot. We were promised a Crocker Park-like, Legacy Village-like situation with an upscale grocery store – Heinen's, Buehler's, something the like, we were promised a daycare, a dry cleaners; those are things we need at our end of the city. We don't need a gas station, we don't need a convenience store. We're talking now again about another Drug Mart up at this end. Every other corner is a Drug Mart, a CVS, a Rite-Aid. We need something at our end of the city that's going to help working parents and that is what we were promised five or six years ago. To go along with the crime rate, I know police officers in Berea, Middleburg Heights that tell me don't go to the Circle K, it's trouble, trouble, trouble. And now we've added a twenty-four/seven Wal-Mart, we're going to add a twenty-four/seven Sheetz. My house was broken into on Pine Lakes Drive October 24 between the hours of four-thirty and nine o'clock at night. My kids could have been home and had someone walk into the house. I moved to the end of Strongsville that I'm at because it's a quieter section and I really wish the people would start – the City, the school board – people would start to help the working families in this city. Because I'm sort of at my wit's end, I don't have anyone or any facility at my end of the City to help me go to work to get paid to pay my taxes to continue the growth in our city. So that's my main concern. I feel as though I was let down as a citizen and the first developer went under and didn't have the money; I think I then talked with someone at Timber Stone, I don't know if that was the first one, second one, but we need to do some investigation, we need to try and draw people to our end of the town that are going to help the families. Daycares, upper echelon kind of grocery stores, places that are going to help keep Strongsville a strong place. That's all I really have to say. I just feel like we voted for something and never got it. Thank you.

Mr. Gallagher – Thank you, Moira. Glenn? I couldn't read your last name.

Glenn Moenich, 10318 Stamford Court, Strongsville – Moenich. Good evening, Mr. President, Mr. Mayor and Council Members. I really just want to echo more or less what everyone else has said, so I'm not going to say that much to be repetitive, as you had asked. But one thing I do want to mention is I've been a resident of this great city since 1961; seen a lot of changes, many, many for good, many, many for not-so-good. I don't think this would be a good one. I don't think we need a gas station here in this part of town, like other people have said, and I've heard that the Sheetz that is currently now on Prospect and 82 is a favorite hangout; I don't think that would be good for our part of town. Now, I'm the Block Watch president of our association and I've heard a lot of good things, a lot of bad things happen, and I work with the Police Department and try to keep that at a minimum, I don't want to see that increase in our part of town. So I really don't think that we have a need for this kind of gas station here in this part of town. And I also want to say that I've seen a lot of nice green space in the city be developed for things that don't look that good. I can cite something on Route 82 that used to be rolling hills, looked very nice, don't want to point out any particular business, but does not look good. I don't think this would really look good in our part of town. So I just want to say I don't think it would be a good idea and please do not allow it to happen. Thank you.

Mr. Gallagher – Thank you, Glenn. Marge Williams?

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Marge Williams, 8898 Big Creek Parkway, Strongsville – My name is Marge Williams; I live at 8898 Big Creek Parkway, I've lived in the neighborhood for fifteen years. I am very much against this. I'm not going to rehash what other people have said, but please have some sympathy for these average working people, okay; they've worked very hard, this man is retiring, their money is tied up in their homes, okay? This is not a positive thing for them, okay? This is not going to add to our neighborhood, to our safety, to what we want. It's going to be very detrimental. There's other issues; I take the bus, I work downtown, I don't – nobody's brought this up – there's a bus stop right there in front of Circle K, there's also a bus stop right in front of Mad Cactus, which this will be right across the street, both corners. You have people crossing all times of the day to take the bus to go downtown, you have safety issues with cars peeling out, you're also going to have safety issues with children riding their bikes in the summertime on the parkway. You have families, there's all kinds of events that go on the parkway, there's a lot of accidents, I've seen them myself right there on the corner of Whitney and Pearl; it's just not safe. There is also a gas company which emits very many gas odors, which I myself have complained about, which is just a few feet from those major petroleum tanks, which concerns me. I don't know if it's safe, it would just add to my worries. I come off the bus at three-thirty in the – four o'clock in the afternoon and there's drunk people with their arms flailing coming out of those hotels and going in and buying alcohol and various things. I do not want that and I do not want people walking around my neighborhood. And I've got to worry about walking home from the bus stop to my home on the parkway. I've had homeless people approach us on the parkway for money, come to our door, and this will just add to that. So please, have some sympathy. Would you want this in your back yard? Would you want this in your neighborhood? I don't think so. So please, have some sympathy. Thank you.

Mr. Gallagher – Frank Zullo?

Frank Zullo, 18118 South Drive, Strongsville – Frank Zullo; 18118 South Drive. First, let me just say I have nothing against the Sheetz Corporation, you know; I want them to prosper. But it comes down to need and want in this situation. Like many people have said, we have what we need. We've been beat up pretty bad in that corner, okay? A lot of traffic, we've got about ten, twenty more acres that still need to be developed where you're going to bring additional traffic. Add something like this, you've just got a nightmare. Truth of the matter is, folks, is people that live in that area are just scared, just scared. Property values going down, traffic going up, unemployment rates. You know, to bring all this extra stress on everybody is just undue; we don't need it. We have gas stations, we have convenience stores, we have Wal-Mart, you know; to bring anything more is going to make people lose sleep or lose property values, lose money; it's just unnecessary. I just don't really see how anybody in good conscience can say that this is a good thing for the people in this residential area. I wish them luck in what they do; I don't begrudge anybody – any man to make a dollar when it makes sense. This doesn't make sense. Thank you.

Mr. Gallagher – Thank you. Tom Krencisz? Tom and Mary?

Mary Krencisz, 8402 Big Creek Parkway, Strongsville – Good evening, everyone. Mary Krencisz; 8402 Big Creek Parkway. I, too, am against this. I know you say you're going to create jobs. Coming from a person who's been out of work for seven months, fifty-five jobs may sound good, but I don't think so. We don't need the extra traffic, we don't need the extra noise, we don't need the extra – for lack of a better word – drunken derelicts wandering our parkway. We moved here and we have just loved the peacefulness, the tranquility of living on the parkway. Our home, too, has been broken into and I just – I fear that the type of people that will be coming into Sheetz is only going to make this matter worse and make us more fearful. And yes, our property values are declining and we cannot afford that in this day and age. And I agree, I don't begrudge Sheetz to make money, but please, don't do it in such a highly residential area. Take it somewhere else.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Mary Krencisz (cont'd) - 82 and Prospect, that's a good place for it because that's not a residential area, that's a business area. In a residential area, it's just not going to work. I beg of you, too, please, do not rezone for MS. Thank you.

Mr. Gallagher – Jacquelyn Stefanka?

Jacquelyn Stefanka, 19424 Whitney Road, Strongsville – Hello, my name is Jacquelyn Stefanka; I'm at 19424 Whitney Road, and this is my first time, as well. First time you ever got me out here, so it's nice to meet all of you, number one.

Mr. Gallagher – Welcome.

Jacquelyn Stefanka – I would kind of like to start out with my closing argument, but I do have a – I don't want to rehash everything that we've heard, but I would also – I would like to make a couple of points. Number one has to do with physics and the shielding of the lights. Lights may be pointed down, but, hello, everybody knows the laws of physics, the lights go out this way. Even though the shielding is down, he will still get light across the street and from everybody else. And I think my neighbors' points about the crime and everything else are very well told. And also the argument that everything else is zoned MS around it is really bad. Just because everything else is zoned MS doesn't mean that this should be zoned MS. This should be zoned the best way possible. And I applaud my neighbor over there that said that we do need things like daycare, we do need things that are non-gasoline weighted, you know, in the area. We have over five gasoline stations in that area, notwithstanding the one that's right there. I mean, they're all over. If you really want to get a Sheetz in here, really, the best locale would be right off of 71 where there is no neighbors in – I'm sorry, Middleburg Heights, but there is no neighbors there and there is no reason on earth why Sheetz shouldn't do it there, it makes more sense. No residents are going to complain, it's not going to do the crime, and I agree with my other neighbor about the traffic study with our Lowe's. Oh my goodness, they did the tra – that was the other thing that brought me out, but I did not speak at that hearing, but they said, 'We're going to do a traffic study', and they did a traffic study and they sat at the intersection of Pearl and Whitney and they watched Pearl and Whitney. Did they take Sprague into account? No, they did not. Did they take anything else into consideration? No, they did not. And when they say, oh, we're abutting the Turnpike; who knows they're abutting on Turnpike -- can they even admit it, there is no easy access from the Turnpike. It is sloughing off all of the traffic that is already there and we already have local businesses in place that are handling that business very fine. Why can't we have something that is a cornerstone? Something Strongsville can be proud of on that corner, instead of a neon orange thing that doesn't segregate us from anybody else in the country? I saw at – I – Sorry, I'm a little bit passionate about it. I saw somebody saying, 'Oh this is going to beautify Strongsville.' When has neon orange beautified Strongsville? Anyplace? So, in conclusion, because I don't know if my five minutes is up and I forgot my watch, I think that it would be very disappointing in this age of going green to rezone what could be a centerpiece for Strongsville into a gas station. And my last point is, if the developers are really that interested, I think they should know whether Pearl Avenue is a road or an avenue.

Mr. Gallagher – That wasn't so bad, Jacquelyn, was it? James Polivchak?

James Polivchak, 18381 Whitney Road, Strongsville – James Polivchak; 18381 Whitney Road, Strongsville. Mr. Mayor and Mr. President, I'm one of the partners. Obviously, yeah, I'm for it. The reason is, I think Sheetz is a reputable company, I think it would be an asset to Strongsville, I think it's just going to incur better business in the area and the real truth is, it's been commercial for seven years now, what do these people expect? You know, I mean...

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Mr. Gallagher – You're – Excuse me. You're for this?

James Polivchak – Yes, I'm for it.

Mr. Gallagher – This is the group against.

James Polivchak – Well, I just put it down there, I put it down...

Mr. Gallagher – Okay, go ahead. That's alright.

James Polivchak – But I've just got to say it straight out that, you know, it's been a burden for awhile, we've tried to market the property for years and to no avail. The other side of the road hasn't been developed yet; I just think that it's going to bring in more re – better retail, you know, in my personal opinion. But yeah, there's people across the street, but Sheetz is trying to do everything they can to, you know, abide by what's going on and it's just – it just needs – something needs to be put there that's going to, you know – it's going to be retail no matter what. I mean, the thing with the daycare and things like that, they just can't justify buying a piece of property right there like that. It needs to be put into something that's really going to generate the money to actually make it worth the while. So, like you said, anybody that's going to get into the fact that the – they want to do something, but nobody wants to come to the plate and actually purchase it and do that. So, I'm just saying that realistically, I really believe that, you know, in a sense, it's going to really help the area. And it's Pearl Road, it's the Turnpike on the other side. And they're going to put the green space in there, they're going to do all the landscaping. I live there, I – obviously, I'm not going to have a problem with it, but, you know, sure. And it's big enough that they can actually do this and I don't see where it's going to turn around and make the traffic any worse or anything. Whitney Road was already widened just for the fact that there's more volume on it, and they didn't argue about that point, they let that happen. It's a growing area there and it's just got a lot – its got a lot of traffic and it's going to continue to have a lot of traffic. So, I mean, yeah, it's the fact that it's just one of those things that ends up that you're in a growing situation and it needs to go to something like that, it really does. All right. Thank you.

Unidentified Voice – Boo.

Unidentified Voice – How much you will benefit from this?

(Gavel sounds)

Mr. Gallagher – Hey, hey.

Unidentified Voice – You'd be rolling in that money.

Mr. Gallagher – A little decorum, people, please.

Unidentified Voice – (Unintelligible)

Unidentified Voice – He's the catering company (unintelligible).

Mr. Gallagher – Kevin August... Please. Kevin Augustyn?

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Kevin Augustyn, 8760 Stafford, Strongsville – Good evening, Mr. Mayor and Members of Council, Mr. Kraus. After listening to Mr. Funk speak and looking at the agenda, I realize I have a conflict of interest with my current employer and I cannot speak today, so I'll quickly give my time to the next person.

Mr. Gallagher – And that would be Dave or DeeDee Murnan. Dave or DeeDee?

Unidentified Voice – We'll decline speaking right now.

Mr. Gallagher – Okay. That's the end of our list, actually. Is there anyone else in the audience? Sir, would you like to come up first?

Wes Scott, 8993 Big Creek Parkway, Strongsville – Good evening, President of Council, Mayor, Members of Council. My name is Wes Scott; I live at the corner of Whitney Road and Big Creek Parkway. I'm the house that usually calls 911, at least before cell phones were so popular, to report all the accidents that have occurred at that intersection, an intersection I would love to see a traffic light at someday, simply to deal with the traffic we have today, let alone the traffic that I fear this development will bring to us in the form of extra traffic, particularly using – I know that many drivers will utilize the exit onto Whitney Road in order to avoid what will probably be additional congestion caused by two new driveways being used in and out by people there to buy gas or other conveniences. If I may go on now to list, I noted that no one contacted the Metroparks about this and they only recently discovered that there was a conflict with the back portion. I notice in their other chart that there is a dashed line which no one addressed; that looks to be about the right location where the three hundred foot deed restriction goes out to, cutting off about fifteen percent of this area from any kind of commercial development. I think that right there speaks to the nature of what the space was intended to be by force of deed; that is, non-commercial. This is a violation of that. The members from Sheetz came and pointed out the number of Motorist Services designations already present, another one of my fellow complainants mentioned that, also. The point that there is Motorist Services already, in my book does not imply that we should have more. In addition, I notice in looking at their own chart – I know not to scale – this particular portion of land, unlike the other ones, which are all, shall we say, t-bone, or at the end of rows of house lots, this one dives back. In fact, another point that I caught this evening from our gentleman from Sheetz, he implied that there were five residences affected by this. There are seven; I'm the seventh, I'm on the end. My driveway – while my house is on Big Creek, my driveway exits onto Whitney Road. And regarding that, again with traffic, there are many summer evenings when there is a backup on Whitney and I have to wait to get out of my own driveway in that section, which is already too narrow for the traffic we already have on the few east/west roads that we have in this city. Another point that I wanted to bring up was, in addition to the Metroparks – Excuse me. The point about the Metroparks is that it seems that they weren't informed. In fact, Mr. Roth called this meeting in early January; I'm not aware that if he had not called it if we wouldn't be to this point here in March, only then finding out about the level of change that is being envisioned. So I appreciate, Mr. Roth, your time in making that happen. But it seems to also go to what seems to be the secrecy in conducting and expanding this change in zoning and this potential for a gas station. Many people that have come up here and talked already have mentioned the issue of how many gas stations do we need. We have a Sheetz development here that will have gas, will have a convenience store and it will have a car wash. Within half a mile of this location we already have two convenience stores, one gas station and two other car washes. My concern, and it should be your concern, is that this store with all three services added will likely cause many people to say, 'You know, I don't need to go to the car wash, I'll just go to Sheetz because I can something to eat and I get my car washed, oh, and I get my tank filled up.'

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Wes Scott (cont'd) - What will happen to the other businesses, at least three of them immediately in the area that do convenience, gas and car wash, including the Circle K – excuse me, that's also a convenience store. What will happen to those locally owned businesses as this Sheetz store sops up traffic that – as I mentioned, they're trying to take advantage of the existing traffic – if they sop up the traffic that is existing, what happens to the other businesses? Do we gain one Sheetz store and lose three or four other businesses and their property tax and their employee income tax? In my book, it looks like we are looking at a net loss for the City in terms of revenue, which I know is already quite tight. Another issue about the traffic. I was for and I still am for, for the development of this northern land. I am pleased that we've gone from eight low-quality motels to four and I compliment the City for the changes that have happened in that regard in getting rid of those and replacing them with the retail that exists today. However -- (clears throat) – Pardon me. However... Sorry, lost my train of thought. This is the wrong kind of development. This is the wrong quality of development. All these other businesses are either quite a distance from homes or the business that exists today are all businesses that operate no more than twelve hours a day. Here, we are looking to introduce a business that will operate twenty-four hours a day, seven days a week, casting much light and introducing the opportunity for many other people to arrive at two, three, four in the morning, who wouldn't typically arrive now into an area. So the point is, here it's the wrong quality of development. It'd be lovely if we had a bank there, someone mentioned a daycare center, those are all things that we would really welcome in the area. And let me see if I have missed anything here. Ah, traffic. When that development went in, I was involved in those meetings, too. A great deal of thought was given to the concerns about Whitney Road, I suspect possibly because of the concerns of the people that lived along Whitney on the opposite side, on the east side of 71. And one of the things that was suggested then was that we would have an exit off of Whitney, but it would only allow traffic to head westbound on Whitney, back towards Pearl. We have a Lowe's store there now and no such arrangement was made. I don't know – I spoke to a friend of mine who lives back on the other side of 71 off Whitney and that was the first thing he said – 'We were promised some restrictions in traffic so that our residential area would not be affected by this development and that didn't happen.' Mr. Gallagher, did you say something?

Mr. Gallagher – If you could wrap up.

Wes Scott – Okay. All right. I will note that Sheetz had about twenty minutes to talk, I timed them and I have it written down. So I'd like to have my moment to have my piece. Thank you.

Mr. Gallagher – Right. We give you five minutes; you're over it.

Wes Scott – I am over it?

Mr. Gallagher – But you can wrap up. Yes, you're well over it, actually.

Wes Scott – Thank you very much. Okay, so the last thing I'll say is that I don't trust that traffic will be properly dealt with, and traffic will be added and I am most concerned about traffic on Whitney Road and the effects it will have with my own house and also with people that I see coming across from the apartments to utilize the park system. They will also be experiencing – and someone else mentioned about the bus commuting traffic, they will also be affected by this increased amount of cars zigging in and out and swinging around and through this area. Overall, this is – I'm not opposed to development in the area, it has done a lot of improvement for our section of town, but this is the wrong type of development, the wrong quality of development. Thank you for your time.

Mr. Gallagher – Can you give your address for the record?

Wes Scott – Oh, sure. 8993 Big Creek.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Mr. Gallagher – And I probably should have said this before we began; you mentioned the deed restriction that the Metroparks brought?

Wes Scott – Yes.

Mr. Gallagher – They've withdrawn their concerns with that, they're okay with it.

Wes Scott – I see. I didn't hear that.

Mr. Gallagher – We just got that.

Wes Scott – Just today?

Mr. Gallagher – Mr. Law Director?

Mr. Kraus – Yes, Mr. President, we received an email from Patty Barsa, Legal Counsel for the Cleveland Metroparks, indicating that they see no violation of the deed restrictions at this point, and they've signed off on the project.

Wes Scott – Mr. Kraus, since you brought that up, I'd like to mention that the last Sun Star mentioned that you had not even heard from Metroparks regarding this, so this must have been a very recent development.

Mr. Gallagher – Today.

Mr. Kraus – Well, we've heard from the Metroparks in the last couple weeks, but we heard finally from them today with their final conclusion with all the information that they...

Wes Scott – This is contrary to the Sun's Courier comments in the article last Thursday that the City didn't seem to have heard anything from them?

Mr. Gallagher – Well, regardless, they have...

Wes Scott – Thank you.

Mr. Gallagher – They're okay with it.

Wes Scott – Sorry, sir, it seems to go to secrecy of this whole activity...

Mr. Gallagher – If it were secret...

Wes Scott - ... and it concerns me.

Mr. Gallagher – If this were secret, you wouldn't be here. That's why we're here. Thank you for your time.

Wes Scott – Thank you, Mr. Gallagher.

Mr. Gallagher – Is there anyone else in the audience that has not signed in and would like to speak against? If you would approach the podium.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Sidney Lichy, 18206 Whitney Road, Strongsville – Good evening, Council. Good evening, Mr. Mayor. My name is Sidney Lichy; I live at 18206 Whitney Road. I'm the second residence behind the Circle K. I live directly across from the project we are talking about. I'm not going to use my five minutes because everything I want to say was said today, or tonight. I have only one thing to add to it. I feel that it is about the money; it is about the money Sheetz will make from the project. If it is about the money, they should take care of residential impact or monitor impact on the residences which are influenced by this project. How can they move in a residential neighborhood and assume that we will be silent when our properties will be depreciated in a much faster rate, when crime will go up. My house was – not house, but the garden shed was broken into, my tractor was stolen. There are all kinds of individuals wandering in my neighborhood and it will get only worse. I believe that Sheetz should incorporate in their multi-million dollar budget project a significant amount of money to provide us with some kind of offset in the prices lost – prices of our houses lost. And basically, that's what I have to say. Thank you very much. I invested in the property, I'm a resident of Strongsville for twenty-eight years. First twenty-two years I lived in High Point; I built down on Whitney Road because my wife have and I have, we build a small house and we were led to believe that that area would be developed in something similar to what is south of Route 82. And it is going the opposite direction, gentlemen. Don't do it. Thank you.

Susan Rasch, 18334 Whitney Road, Strongsville – Good evening. I'm Susan Rasch; I live at 18334 Whitney Road. And Mr. DeMio, thank you for responding to my letter I sent to Council – all the members of the Council, the Metroparks, the Mayor – I sent them a copy listing all of the points that most of the folks here have mentioned. The one thing that wasn't mentioned is that this Sheetz, in consideration with the gas company down the street, this particular Sheetz will have six ten to twenty thousand gallon tanks close to a residential area. Not a good idea. We all hope that nothing will ever happen in our world, but we know that's not true. And also, I am becoming more concerned about the crime rate and my safety and also trying to get out of my driveway, like everyone else. We had Whitney Road widened, that's a whole 'nother story that we dealt with, and I have to admit the Council was very kind to me and to a lot of us and rectified that. But this isn't the end of road work, this is not the end of replacing and re – making new roads, widening roads, not only Pearl Road, but Whitney Road. And that's more tax dollars. In this economic climate, I don't think that the voters want to hear that they're going to get taxed more when their property values are going down. Thank you.

Gerry Tidd, 11074 Fawn Meadow, Strongsville – My name is Gerry Tidd and I'm like everybody else, I am not a neighbor, I live up in Co-Moor, and I just want to address it from a different angle. That being, my employer, what I do is I turn around companies and I see big com...

Mr. Gallagher – I need your address, sir.

Gerry Tidd – Oh. 11074 Fawn Meadow.

Mr. Gallagher – Thank you.

Gerry Tidd – And I see big companies come in, they build large places – and that helps me because I go to work because I've got to turn the other twelve companies around that they displaced. There's two points I want to make. First of all, all these people that spoke for Sheetz are employed by Sheetz, so they're being paid by Sheetz to come up here and talk. All the other people who talked aren't employed by (unintelligible), so.

PUBLIC HEARING – Ordinance No. 2009-242 (cont'd):

Gerry Tidd (cont'd) - But, and the second thing is, is when these companies come in – and I'm asking Council and the Mayor to think about this on a long going basis because I know where you were president of and banks do this all the time because I worked for a bank – Why in the world when these people come in and put up great big establishments – Let's pick Dick's, that's a perfect examp – or, I mean, MC Sports; they put in a huge place, took a huge lease, nobody even thought about taking a bond so if they went out of business we could have – the City had money to work with. I work with several cities throughout Ohio, Kentucky, Pennsylvania; a lot of cities take bonds – cities – from big companies. And you say why? All you have to do is remember K-Mart. Remember K-Mart? Thirty years ago when I started a business, everybody would lend them every penny they had, they were one of the companies that filed bankruptcy with a lot of real estate that just hung around and cities didn't know what to do with. I'm just asking as a businessman to think about – There's nothing wrong with taking bonds to protect our own city. Thank you.

Mr. Gallagher – Thank you. Is there anyone else?

Jeff Suntala, 20206 Bradgate Lane, Strongsville – Hello. My name is Jeff Suntala; I live at 20206 Bradgate Lane. I do not live in this area at all. I just – The people in the area don't want this Sheetz there, plain and simple. Does their voice mean anything? Does it mean anything to you? At what point does Council start listening to the people? I thought it was your job, that you were elected to listen to the people. Okay? I know when you're approached with a new business coming into the city – this city is very pro-growth – your eyes get real wide, your palms get all itchy, you start sweating; City Council is addicted to growth, you can't wait to get your hands on the new tax dollars. But I ask you to pause. There's repercussions to your actions today. Twenty years down the line, this city is going to look completely different than it does now, completely. Okay? We're already the new North Olmsted; it's just going to get worse and worse. Somebody has to draw the line and say, wow, what were we thinking? What were we thinking back then? We should have known when those people in their houses were going to be subjected to a red glow twenty-four hours a day, seven days a week. Maybe that was when we started to listen. I mean, think about it. As soon as the sun goes down, those people are going to have a red glow for the rest of their lives; they're never – I mean, I know that the white LED lights will shine downward, but the red glow from the awning that is the Sheetz brand that they have worked very hard to develop will travel a very far distance and I'm sure will be a lot higher than a three-foot embankment. Okay? And these people live there, their house values are going to get decimated. I will just end with this statement: Growth for growth's sake is the ideology of the cancer cell. And that's what we have in this city; there is no planning. Strongsville has cancer. It's just going to be a completely different place twenty years down the line. Think about it.

Mr. Gallagher – Is there anyone against the...

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth, I'm going to close the Public Hearing.

Mr. Roth – I'd like to speak for the two hundred fifty people that contacted me.

Mr. Gallagher – Mark, what we're going to do is, I'll give you a moment, we're going to take a break. So, if you'd excuse us, we're going to take a recess.

Mr. Roth – Okay.

Hearing no further comments in regard to Ordinance No. 2009-242, Council President Gallagher declared the Public Hearing on said Ordinance closed.

PUBLIC HEARING (cont'd):

Mr. DeMio – I think I have to make a motion; is that correct?

Mr. Gallagher – Yes.

Motion made by Mr. DeMio, second by Mr. Coyne, to take a brief recess, for Administrative and Council purposes.

Mr. Gallagher – Motion by Mr. DeMio for a recess in Executive Session for purposes of?

Mr. Kraus – Discussing legal issues with the Law Director.

Mr. Gallagher – Seconded by Mr. Coyne. Call the roll.

Roll Call: All ayes. Motion carried.

(The Council adjourned from open session into executive session [Article XI, Section 9, City Charter] at 9:07 p.m. to discuss legal issues with the Law Director. All Council Members were present. Also present were Mayor Perciak and Law Director Kraus. Motion was made by Mr. DeMio and seconded by Mr. Coyne to conclude the Executive Session and reconvene in open session. All members present voted aye and the motion carried. The Council reconvened in open session at 9:12 p.m.)

Mr. Gallagher – We're going to now resume the Council meeting; thank you for your patience. I do apologize, on the way out I was informed that there were some individuals that wanted to speak for the issue and couldn't get back into the room. We will not be opening up – reopening the Public Hearing for that, though. I do apologize for that, I did not know they could not get back into the room. Mr. Roth had something he wanted to say and then we're going to move forward.

Mr. Roth – Yes, Mr. Gallagher. After six months of hard labor, I'm going to cease saying anything more; I've said so much for the last six months that that's enough. My vote and everyone's vote is going to tell the story in a few minutes.

Mr. Gallagher – We do have another Public Hearing, so bear with us.

PUBLIC HEARING – Ordinance No. 2010-001:

Ordinance No. 2010-001 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING SECTION 1250.03 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY TO ESTABLISH A NEW ZONING MAP. ^{1st} rdg: 01-04-10. Favorable Recommendation by PC 1-14-10. ^{2nd} rdg: 01-19-10.

Council President Gallagher opened the Public Hearing on Ordinance No. 2010-001 and invited any persons wishing to speak ***IN FAVOR*** of the Ordinance to approach the podium and address Council.

(No comments.)

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

(No comments)

PUBLIC HEARING – Ordinance No. 2010-001 (cont'd):

Hearing no further comments in regard to Ordinance No. 2010-001, Council President Gallagher declared the Public Hearing on said Ordinance closed.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher: I attended last week's meeting at the hospital where they, Mr. Roth, put \$411,000 more into Brunswick, the emergency room, which I voted against, and did upgrade their computer systems of well over \$2 million, I voted for that. There are other issues that I cannot speak of right now, I will inform Council as soon as I can. I'll take any questions.

(None)

SCHOOL BOARD – Mr. Roth: Thank you Mr. Gallagher. At the February 18th meeting, Ms. Tonya Barba, Foreign Language Teacher, and Ms. Diana Lowe, First Grade Teacher at Muraski, were both honored, and rightfully so, for Master Teacher Certification. And also at that meeting the school calendars for the next two years were resolved and a waiver was taken, they are not going to – the school board is not going to go forward on an all day every day kindergarten. And that's all I have to report.

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

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: Before Recreation this evening is Ordinance 2010-035, it's an ordinance to repeal 2009-249 and to ratify the Mayor to enter into a contract for the purchase of general foods and dairy for use at the Recreation Center; recommendation of this committee is suspension and adoption. I'll take any questions.

(None)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you, Mr. Gallagher. There is no legislation in this committee this evening. If there are any questions, I'll be glad to answer them.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: Extremely briefly. 2010-030 is an application for an EMS grant, this Council is going to support that application. And I will close my committee. So many people are here, probably wanting to get to our vote.

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

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

PLANNING, ZONING AND ENGINEERING – Mr. Coyne: Thank you, Mr. Gallagher. The Planning, Zoning and Engineering Committee met this evening, we have Ordinance 2010-020, an Ordinance amending certain additional permanent parcels located on Drake, Greenbrier and Hunt Road in North Royalton West 130th Street sanitary sewer, Sewer District “A”. We have come to an agreement with the City of North Royalton, so we’ll be amending by substitution this legislation this evening and suspending and adopting it. And then we have 029, an Ordinance authorizing and directing the Mayor to approve a change order for an increase in the contract for the provisions of the contract and the work from Mr. Excavator in connection with the Westwood Drive culvert, and we’re going to amend that. That’s going to be \$30,970.69. If there are any questions on those ordinances within my committee, I’ll answer them at this time.

Mr. Gallagher – Questions for Mr. Coyne?

(None)

FINANCE - Mr. Dooner: Thank you, Mr. Gallagher. Finance Committee met this evening and before use we have Ordinance 2010-021, this is between the City of Strongsville and Munis for a three-year contract for the furnishing and delivery and installation of computer hardware and software for financial management information and application system, and we’re recommending suspension and adoption of this. And that is all we have, Mr. Gallagher.

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

(None)

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: Thank you, Mr. Gallagher. We met this evening and gave favorable recommendations to Ordinances 2010-031, 032, 033 and 034.

I’d like to also mention that the meeting that we had scheduled for February 22 was cancelled due to the meeting about the electric rates from CEI. I’d like to thank the Mayor, on behalf of my developments that are all-electric; from the calls I did receive, Mayor, they are much appreciative of the fact that we had over eight hundred people here from not only our community but various communities around the area, and with the help of Senator Grendell, our own Senator Tom Patton and Representative Matt Patten, we believe, or the residents believe and I, myself, believe that that was a direct result in the fact that the Governor became involved and went in front of the PUCO and now has rescinded those rates, at least temporarily, until some agreement can be reached in the future. So, on behalf of the residents that I have with all-electric homes, Mayor, they’d like to express their thanks for initiating that meeting and having it here in the City of Strongsville.

Our next meeting will be Monday, March 22nd, at 7:00 p.m. here at the Communications Center. That’s all I have; thank you very much, Mr. Gallagher.

Mr. Gallagher – Any questions for Mr. Daymut?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

BUILDING AND UTILITIES –Mr. Gallagher: Before Building and Utilities this evening we have Ordinances 2010-022, 023, and 024, all for contracts for architectural services. 022 is with Anthony Bumbalis, 023 is with John Kornick and 024 is with Julie Sipka; recommendation of the committee is suspension and adoption. I'll take any questions.

(None)

COMMITTEE OF THE WHOLE – Mr. Gallagher: This evening we have two items, Resolution 2010-036, which is urging the Legislature to reduce the negative impact of the new tax on hospitals, and Resolution 2010-037 is in support of the efforts of the Census Bureau in conducting the 2010 Census; both recommendations are suspension and adoption for this evening, and 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 two things. Just to re-echo Councilman Daymut's comments. I want to specifically thank Senator Tom Patton and our Ohio Rep, Matt Patten for helping make last Monday's meeting with FirstEnergy a success for all of our residents. Without the Senator's help and our Ohio Rep's help, I don't believe that could have been possible, not to mention the hundreds and hundreds of people who called the Governor, made him understand the plight of our residents where their electric bills were being doubled and, in some cases, tripled. So I want to thank those gentlemen for the effort they put forth and send a big thank you to our Governor for understanding in this economic time the financial position of so many of our residents. So, thank you to everybody who was involved in that process.

Secondly, many people call me and ask me what is the state of our City. I'll be delivering my State of the City address next Tuesday – I'm sorry, March 16th, at the Ehrnfelt Event Center. The luncheon starts at about 11:45, the speech will probably start somewhere in the neighborhood of 12:30. For reservations, if you'd like to participate in the lunch, please call the Chamber of Commerce. If you do not want to participate in the lunch, there will be chairs set up in the back if you care to listen as to the State of the City. That ends my report.

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

(None)

FINANCE DEPARTMENT - Mr. Dubovec: Thank you, Mr. Gallagher. Funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funding. Thank you.

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

(None)

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

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

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

Mr. DeMio – Mr. Gallagher.

Mr. Gallagher – Mr. DeMio.

Mr. DeMio – Since we have so many folks here on this issue, can you allow Mr. Kraus to explain the vote and how it would have to be to turn down the Sheetz, versus approve the Sheetz? So the folks know.

Mr. Gallagher – Mr. Kraus, do you think that's necessary? If they have the votes, they can move forward and if they don't, they can't.

Mr. Kraus – Right. I think, Mr. President, possibly Mr. DeMio was referring to the fact that this matter received a favorable recommendation from Planning Commission, so passage would require, at this point on third reading, a mere majority, or four of the seven votes. If it does not attain four of the seven votes of the members of Council, it would fail. If it attains four or more, it would pass.

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Can we – Is it possible – sometimes we have and sometimes we haven't, can we insert the 2009 piece of legislation for Sheetz first on...

Mr. DeMio – That's what we did.

Mr. Coyne – That's what we did.

Mr. Gallagher – We did.

Mr. Roth – Okay, great.

Mr. DeMio – That's on first.

Mr. Gallagher – What we'll do -- and I'll assume we're done with Mr. Kraus?

Mr. Kraus – Yes.

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the segment of – portion of our evening where we have Audience Participation. Many of you have already spoken, but we do have a gentleman, John Wilder?

Mr. Dooner – No, Wilder.

Mr. Gallagher – Walden.

Mr. Dooner – Wilder.

Mr. Gallagher – Oh, looks like an 'N'. I'm sorry.

John Wilder, 9756 Hazelwood Avenue, Strongsville – John Wilder; 9756 Hazelwood Avenue.

Mr. Gallagher – Thank you. I haven't gotten one name right tonight.

John Wilder – That's all right. When you have Parkinson's, you don't write very well either, Mr. President. These comments – I've lived here since 1939, I may have the grandfather clause here, but I'm not sure. As we all know, it was probably the – they say the second snowiest February we've ever had in Cleveland, and this morning when I went out to get my paper I realize that my street was perfectly clean, but my mailbox was askew. So I went into the Strongsville webpage and came up with a number for the Service Department, got a very, very cordial gentleman on the phone and explained my problems, he said, 'We'll be there this morning'. I said, 'Well, my mailbox functions, but it will have to be looked at.' So my wife got up and she said, 'What did you do with our mailbox? It's laying in the snow.' I said, 'No, the mailbox was on the post, you just didn't know it got hit.' Well, Mr. Walker, your crew was there probably within the hour, and I have a brand new mailbox. Now, and I think the gist of this, it starts with the gentleman that I talked to on the phone, who obviously has another supervisor and then goes to Mr. Walker, goes through all of these people on Council and goes right up to Mayor Perciak's office, and I think really we all have a lot to thank you for this month. Thank you.

Mayor Perciak – You're welcome.

Mr. Gallagher – Thank you, sir.

Mayor Perciak – We have a lot to thank our Service Department.

Mr. Gallagher – Joe, because – Joe Walker, because we do get these calls, and I had one today, could you explain our mailbox hitting policy?

Mr. Walker – Well, our mailbox hitting policy is to miss them, that's the intent. However, if we do...

Mr. Gallagher – Well, I can assure you, you didn't miss one on Ellsworth this week, so.

Mr. Walker – If we do, in the course of snow removal, damage a mailbox, we have a standard box and post that we will go out and install so that the residents continue to receive their mail. Our goal is – it would be impossible to replace all the different styles of mailboxes that we have in town – the goal is to get a box back up immediately so that they continue to get their service.

AUDIENCE PARTICIPATION (cont'd):

Mr. Gallagher – Thanks, Joe.

Mr. Walker – You're welcome. Is there anyone else in the audience? Mr. Vassil's going to make these people wait a little bit longer. It's Bill Vassil of Fox Hollow?

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – You don't want me to start talking double dipping, do you?

Mr. Gallagher – You got – you look like you have a tan; were you in Vegas recently?

Bill Vassil – Never mind Vegas. I also want to compliment you, Mayor, on our meeting. Oh. 18271 Fox Hollow Drive. I also want to compliment you on our meeting Monday, and then I did go to the meeting Thursday, also. Please, people, don't stop calling. If you're watching this program, call the Governor, call the PUCO and the Consumer lady, who is useless. Please. This has got to stop. When the Consumer person says the grandfather clause is no good; are you working for us or are you working for the utility companies? I mean, she put a flyer out in North Ridgeville. Please, everybody call and keep calling because the minute you stop, it's going to change again and we're going to lose it. Don't let them do it. It's got to stop. And we have a mailbox across the street, Joe, from my house that got it, too. But they don't know to call you, so I'm telling you where it's at. Okay?

Mr. Walker – Thank you, Bill.

Mr. Gallagher – Thank you, Mr. Vassil. Anyone else?

Unidentified Voice – (Unintelligible). Mr. Gallagher, I'm not sure...

Mr. Gallagher – Not regarding this – not regarding Sheetz?

Unidentified Voice – Sheetz, yes.

Mr. Gallagher – No.

Mr. Chen, 16436 Academy Drive, Strongsville – My name is (Unintelligible) Chen; 16436 Academy Drive. Good evening, everybody. This is my first time being here; the reason I'm being here is I was in one of our association meetings last Tuesday in the other library and the issue coming is about the traffic light, this is on Pearl Road opposite to the Royal Redeemer's Church and to Marc's, and the other one is at Echo Lake. The complaint is that the light has been too long or not responsive for the residents coming in and out. One of the ones that (unintelligible) many times after ten o'clock when Marc's has closed and there are no cars waiting from either side, from the Marc's or Royal Redeemer's, and the lights just turn red. And I – for the people who have been there...

Mayor Perciak – Excuse me. Marc's or St. John Neumann? Marc's and St. John Neumann?

Mr. Gallagher – No, at Echo Lake.

Mayor Perciak – Where are you at (unintelligible)?

AUDIENCE PARTICIPATION (cont'd):

Mr. Gallagher – Echo Lake and Pearl.

Mr. Chen – Echo Lake. Well, I may not have the name of the church right, but the church right opposite the Marc's.

Mayor Perciak – Okay.

Mr. Chen – Okay. Then what happens is at ten o'clock the light changes to red on Pearl side, and the people whom I know being there is that the lighting there is not very great. And the reason that I want to propose that we can change to a flashing yellow light, if it's possible. And this is actually done in many other cities, I've seen them in Westlake, I've seen them in Rocky River. But in this case, what it is that bothers me, part of, is I have a daughter who is just able to drive; I don't want her to sit at a red light where nobody is there. But I don't want to make this just my personal issue, and I think a great city with the technology available currently should be able to make the light adjustment. Thank you.

Mr. Gallagher – Mr. Chen, I live in Echo, also.

Mr. Chen – Yes.

Mr. Gallagher – And I brought that up to our Engineering Department many times.

Mr. DeMio – Good luck.

Mr. Gallagher - So why don't we hear it one more time, for the record, as we sit there for about – it's about two minutes and thirty some seconds.

Mr. Mikula – While we – while we just – As you know, Pearl Road is being widened, construction is getting ready to start. The complexion of that whole corridor is going to change very soon from the two lanes to five lanes of concrete, the lights are going to be brand new and retimed, and it will be much better.

Mr. Gallagher – But I've only been asking for eight years.

Mr. Chen – But actually, this is...

Mr. Gallagher – Is somebody going to listen to us?

Mr. Chen – In this case, actually, there are a lot of senior residents in the Echo Lake area...

Mr. Gallagher – It is. It's...

Mr. Chen – They said they have talked to people and that it was told because it is going to change. And this, just in my opinion, it is just a computer software adjustment, there is really no reason, because nine months or a year down the road you will change, that cannot be adjusted now. It doesn't take that long. Thank you.

Mr. Gallagher – Thank you. Anyone else?

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2009-242 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-005) AND FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006). (The Polivchak Company, Owner. Stephen W. Funk, Attorney for Sheetz, Inc., Agent. Proposed Sheetz convenience store) *1st rdg: 12-07-09. Favorable Recommendation by PC 01-14-10. 2nd rdg: 01-19-10. Public Hearing 03-01-10.*

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

Roll Call: Ayes: Haseley, Daymut.

Nays: Gallagher, Roth, Coyne, DeMio, Dooner.

Motion fails.

Ordinance No. 2009-242 DEFEATED.

(Applause)

Mr. Gallagher – If you wish to stay, you may; we have about twenty other standing ovations if you want to...

Unidentified Voice – You can have my standing ovation all night.

Several Unidentified Voices – Thank you.

Mr. Gallagher – You're welcome.

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. *1st rdg: 02-16-10.*

Motion by Mr. DeMio, second by Mr. Coyne, to amend the Ordinance by substitution with a revised version, which includes a revision to the attached agreement. All members present voted aye and the motion carried.

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

Motion by Mr. DeMio to adopt as amended, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-020 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

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. *1st rdg: 02-16-10.*

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-021 ADOPTED.

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. *1st rdg: 02-16-10.*

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-022 ADOPTED.

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. *1st rdg: 02-16-10.*

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-023 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

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.
1st rdg: 02-16-10.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-024 ADOPTED.

Ordinance No. 2010-029 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND MR. EXCAVATOR, INC., IN CONNECTION WITH THE WESTWOOD DRIVE CULVERT REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-029 ADOPTED.

Ordinance No. 2010-030 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AN APPLICATION FOR FINANCIAL ASSISTANCE WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY UNDER THE OHIO DEPARTMENT OF PUBLIC SAFETY UNDER THE OHIO EMS GRANT PROGRAM FOR THE PURCHASE OF EMERGENCY MEDICAL EQUIPMENT AND TRAINING, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-030 ADOPTED.

Ordinance No. 2010-031 by Mr. Daymut. AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF COMPUTER, PRINTER AND SCANNER PRODUCTS AND SUPPLIES BY THE DIRECTOR OF COMMUNICATION & TECHNOLOGY THROUGH CDW GOVERNMENT, INC.; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

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

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-031 (cont'd):

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-031 ADOPTED.

Ordinance No. 2010-032 by Mayor Perciak and Mr. Daymut. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF NETWORK EQUIPMENT, INSTALLATION, CONFIGURATION, ANALYSIS AND PLANNING, IP PHONE SERVICES AND MISCELLANEOUS NETWORK SERVICES IN SUPPORT OF THE CITY'S OVERALL VOICE/DATA NETWORK; AND AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-032 ADOPTED.

Ordinance No. 2010-033 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF EQUIPMENT, SUPPLIES, INSTALLATION, MAINTENANCE, REPAIRS AND OTHER SERVICES FOR THE CITY-WIDE RADIO COMMUNICATIONS SYSTEM, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-033 ADOPTED.

Ordinance No. 2010-034 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF DEVELOPMENT'S ECONOMIC DEVELOPMENT DIVISION FOR OHIO JOB READY SITES PROGRAM FUNDING ASSISTANCE IN CONNECTION WITH THE FOLTZ PARKWAY EXTENSION AND/OR OTHER ECONOMIC DEVELOPMENT PURPOSES, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-034 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-035 by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING ORDINANCE NO. 2009-249 AND AUTHORIZING, APPROVING AND RATIFYING THE MAYOR ENTERING INTO A CONTRACT FOR THE PURCHASE OF GENERAL FOODS AND DAIRY PRODUCTS FOR USE AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. (HILLCREST FOODSERVICE)

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-035 ADOPTED.

Resolution No. 2010-036 by Mayor Perciak and All Members of Council. A RESOLUTION URGING THE OHIO LEGISLATURE TO REDUCE THE NEGATIVE IMPACT OF ITS NEW TAX ON HOSPITALS.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-036 ADOPTED.

Resolution No. 2010-037 by Mayor Perciak and All Members of Council. A RESOLUTION SUPPORTING THE EFFORTS OF THE U.S. CENSUS BUREAU IN CONDUCTING THE 2010 CENSUS.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-037 ADOPTED.

Ordinance No. 2010-038 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO EMPLOY SPECIAL LEGAL COUNSEL AND ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES TO THE CITY IN CONNECTION WITH COLLECTIVE BARGAINING AND LABOR RELATIONS MATTERS, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-038 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

None.

MISCELLANEOUS BUSINESS:

Mr. Gallagher – Is there any miscellaneous business?

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just briefly. Next time I see a major media outlet have a meeting of importance to me and which I work really hard for – work on the issue, voice the issue, I want at least the respect of being notified of the meeting. I'm tired of Channels 3, 5 and 8 having a director on camera within my ward and I haven't even been notified of the meeting.

Mr. Gallagher – I'm aware of that situation and Mr. Kilo was doing what's best for those people down there, got caught in the middle of it, nothing personal, and let's face it, the work got done as a result of many people up here, but none more than the Mayor. So, rather than worrying about who's going to get patted or who's going to get notified, I believe we all owe him a serious pat on the back.

Mr. Roth – I'm not worried about that, Mr. Gallagher. It's just a matter of respect to be notified about an important meeting within my ward. You would want that respect, too.

Mr. Gallagher – I would want that, but as circumstances were, I'm fine with the way it went.

Mr. Roth – I'm not.

ADJOURNMENT:

There being no further business to come before this Council, Council President Gallagher adjourned the meeting at 9:50 p.m.

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

March 15, 2010
Date of Approval