

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JUNE 21, 2010.**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Monday, June 21, 2010 at 7:30 p.m.***

Present: Council Members Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley and Mark A. Roth. Also Present: Clerk of Council Leslie J. Seefried. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Joseph K. Dubovec, Service Director Joseph M. Walker, Design Engineer Lori Daley, Building Commissioner Anthony J. Biondillo, Economic Development Manager Brent Painter, Communication and Technology Director John Bedford, Human Resources Director Anthony Urankar, Fire Chief Robert Moody and Police Chief Charles Goss.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering Committee: Chairman Coyne recommended suspension and adoption for Ordinance 2010-090, authorizing the Mayor to accept separate grants of easement for access to utilities and a city pumping station, for culverts, and for sanitary sewer force main and appurtenances and utility lines; to grant an easement for retaining walls; and to quit-claim two parcels to the Ledgewood Association, all in connection with implementation of a settlement and release agreement approved by Council. Mr. Coyne noted that the Ordinance received a favorable recommendation from Planning Commission on June 10. He recommended suspension and adoption for Resolution No. 2010-092, declaring the necessity to improve Drake Road between certain termini and the entire length of Greenbrier Drive by constructing sanitary sewers, sanitary sewer force mains, a pump station, storm sewers, catch basins and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveway and culverts. Mr. Coyne recommended suspension and adoption for Ordinance No. 2010-093, regarding the issuance and approval of Change Order No. 1 for an increase of \$121,413.98 in the contract price between the City and Fabrizi Trucking and Paving Co., Inc. in connection with the Pearl Road Widening Project. Mr. Walker explained the change order is for the change in concrete; also, they asked for the additional time that we owe them for closing Drake Road west. Mrs. Daley interjected it is also due to conflict with the existing sanitary laterals. Suspension and adoption was also the recommendation for Ordinance No. 2010-094, regarding the issuance and approval of Change Order No. 2 (final) for an increase of \$4,455.50 in the contract price between the City and Mr. Excavator, Inc. in connection with the Westwood Drive Culvert Replacement Project. Mr. Walker stated the project was done in the winter and we had to wait until the spring; it is now finished. Mr. Coyne recommended first reading for Ordinance No. 2010-095, accepting grants of easement for storm sewer system (culvert) purposes in connection with the Shurmer Road Culvert East Replacement Project. He also recommended first reading and referral to Planning Commission for the following Ordinances: Ordinance No. 2010-096, amending, repealing and enacting sections of the Planning and Zoning Code of the Codified Ordinances concerning community-based residential care facilities; Ordinance No. 2010-097, enacting new sections of the Planning and Zoning Code of the Codified Ordinances in order to establish regulations for propane canister sale, exchange and filling; and Ordinance No. 2010-098, concerning a proposed rezoning of certain real estate located at 21299 Morris Drive from General Industrial Classification to One Family 75 Classification.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinance 2010-099, authorizing the purchase under state contract of .of seven cardiac monitor/defibrillators and accessories for use by the Fire Department with the sale, trade-in and credit for existing obsolete defibrillators.

Public Service and Conservation Committee – Chairman Haseley recommended first reading for Resolution No. 2010-100, authorizing the advertising of bids for the furnishing of solid waste and recyclable collection services, for operation and maintenance of the City's transfer station, and for the receipt, transport and disposal of solid waste in the City.

Committee of the Whole: Chairman Gallagher recommended suspension and adoption for Ordinance 2010-089, involving a settlement and release agreement with the Ledgewood Association in connection with various land use matters. He recommended first reading for Ordinance Nos. 2010-101 and 2010-102, both proposed charter amendments for submission to the electorate. Mr. Gallagher stated Ordinance No. 2010-10 is an add-on for this evening's agenda. The ordinance authorizes the Law Department to enter into an agreed journal entry in settlement to resolve pending litigation in connection with the Pearl Road Widening Project; the recommendation is suspension and adoption. Law Director Kraus commented on Ordinance No. 2010-089, stating the Law Department sent a memo to Council concerning this some time ago; this is a cleanup of some issues involving small pieces of property with the Ledgewood Association that historically has some tennis courts that overlap a bit onto City property and this settlement that is before Council for approval has been a long time negotiated with the Association through their legal counsel that involves some easements back and forth to clean up all the issues. He stated we have a full and final release regarding some matters that they had previously claimed damages on; they are also cleaning out the small retaining wall issue. Mr. Kraus characterizes this as a global or universal settlement with Ledgewood Association and noted that a representative from the Ledgewood board spoke at the last Council meeting and recommended approval of this overall settlement. Further, Mr. Kraus explained the two proposed charter amendments. Ordinance No. 2010-101 has to do with residency requirements for civil service employees; the state law though the Ohio Supreme Court has changed and the type of residency requirement that we have had in our charter is no longer valid under the law. Also, based on review of this by the police chief, the fire chief and the administration, there is no reason to attempt to maintain any type of residency requirement. Mr. Kraus stated Ordinance 2010-102 is a proposal to reclassify the future chiefs of police or future fire chiefs so that future administrations and councils would have an opportunity, if a vacancy ever arose in those positions, to bring in the very best candidates for those positions and would not be restricted to the ranks or to strict civil service requirements. He stated the advantage of this is to afford future mayors and councils flexibility. He also noted that the provisions written in the ordinance with respect to qualifications are the strictest and the most detailed that either he or Assistant Law Director Kolick could find anywhere in any other county charters or ordinances by far, so that we would set the bar very high as a threshold for bringing the very best talent if a vacancy should arise in those positions. He further stated first reading is recommended on both of these ordinances so that Council can carefully study them and because under the state constitution and under the law the earliest that they can be submitted to the Board of Elections is July 6, the latest they can be submitted is sixty days before the election, or September 3. Finally, the add-on, Ordinance No. 2010-103, is a matter that has been pending in the probate court, the Misencik matter, out of seven appropriations that are pending in the probate court as a result of the Pearl Road project.

Mr. Kraus stated the City's appraisal was \$34,000 plus dollars, that amount was deposited with the court for purposes of the quick-take procedure; they were seeking about two and a half times that amount and we were able to negotiate approximately a \$12,000 increase that we felt was in the best interest of the City, given our exposure with the court, given our legal and appraisal expenses and, therefore, it is recommended that Council suspend and adopt the Ordinance. He further stated there was a last minute issue with AT&T and some last minute matters, but those have all been worked out and it is recommended that Council now act on the legislation.

Economic Development and Technology Committee: Chairman Daymut stated he will announce his upcoming committee meeting on the floor. He stated this Wednesday, June 23, at 8:30 a.m. the Mayor and Colliers have put together an exclusive showing of the Strongsville Business and Technology Park; if Council members have the opportunity to attend, it is very important because a representative from Wells Fargo will be there indicating how to acquire financing, which is very important in this economy, and the City will have the opportunity to showcase its available land.

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President Gallagher asked if any of the directors had anything to discuss with Council. There were no comments.

He asked if any of the Council members had anything for the directors. Mr. DeMio stated he received a call regarding the new development off Prospect Road near Shagbark. The caller inquired as to whether a temporary road would go in on the property off Prospect because they feel the roads of Shagbark, Creekside and Pine Needle are pretty beat up. Mrs. Daley stated no, because there are wetlands, and right now, they are working through the permit process. Mr. DeMio asked how we solve the problem with the streets. Mr. Walker stated we went in and did some temporary repairs about two weeks ago and it is his understanding that the contractor or the developer will do some permanent repairs then they are done.

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Mr. Gallagher stated he has been informed of the need to meet in executive session regarding collective bargaining matters.

Motion 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 matters. Roll Call: All ayes. Motion carried. Council convened in executive session at 7:47 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Law Director Kraus, Finance Director Dubovec and Human Resources Director Urankar. Motion to conclude the Executive Session was made by Mr. Gallagher and seconded by Mr. Daymut. All members present voted aye and the motion carried. The executive session concluded at 7:57 p.m.

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**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JUNE 21, 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, in the audience and those at home to this, the Monday, June 21, 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 J. 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; Lori Daley, Design Engineer; Brent Painter, Manager of Economic Development; Anthony Urankar, Human Resources Director; Charles Goss, Chief of Police; and Robert Moody, Fire Chief.

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***Motion by Mr. DeMio, second by Mr. Coyne to amend the agenda by adding Ordinance No. 2010-103. All members present voted aye and the motion carried.***

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**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting of June 7, 2010 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

None.

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:** There will be a meeting this month and I will be in attendance. I have no further report.

**SCHOOL BOARD – Mr. Roth:** Thank you Mr. Gallagher. There will be a report after the next regular scheduled meeting. But I would also like to have Leslie repose my question about the Surrarrer fence back to the June 11<sup>th</sup> request, to get an answer.

Mr. Gallagher – Mark – sorry. Did we go through our Engineering with that, or do you want to just talk to the schools?

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

Mr. Roth – No, I just want to talk to the school board because that's who agreed to put this in many years ago and now they took it down.

Mr. Gallagher – Okay.

Mr. Roth – Just want an answer from them. No, it has nothing to do with our Engineer.

Mr. Gallagher – Okay, I didn't know if that would be easier.

Mr. Roth – Yeah. The schools.

Mr. Gallagher – Do you have it with you?

Mr. Roth – Yes, thank you. No problem, no problem. That's all, Mr. Gallagher.

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

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** There are no ordinances or resolutions this evening. I will take any questions, though.

(No questions)

**PUBLIC SERVICE AND CONSERVATION – Mr. Haseley:** Thank you, Mr. Gallagher. We only have one item on the agenda this evening, Resolution 2010-100, which is advertising for bids for furnishing solid waste and recyclable collection services and operation of the City's transfer station. I want to place that on first reading and send back to the Committee.

Mr. Gallagher – Any questions for...

Mr. Haseley – That's my report; I'll answer any questions if there are any.

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

(None)

**PUBLIC SAFETY AND Health – Mr. DeMio:** Thank you Mr. Gallagher. We have one piece of legislation on the agenda tonight, 2010-099, it has to do with the trade and sale of defibrillators, we will suspend and adopt that. We acted fast in caucus if there was any other business that needs to come forward to this Council and there was none, so I will close the Committee.

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

(None)

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

**PLANNING, ZONING AND ENGINEERING – Mr. Coyne:** Planning, Zoning and Engineering Committee met this evening. We have Ordinance 2010-090, the Ledgewood Association settlement, we're going to suspend and adopt that. 2010-092, improvement, the length of Greenbrier Drive for the construction of sanitary sewers, a pump station, storm sewers, catch basin and manholes, we're going to suspend and adopt that. Ordinance 2010-093, this is a change order for the work done on Pearl Road and the change order is in the amount of \$121,413.93, we're going to suspend and adopt. 2010-094 is also a change order in the amount of \$4,455.48 to Mr. Excavator for the replacement of the Westwood Drive culvert, we're going to suspend and adopt. 2010-095 is authorizing grants of easement; we're going to put it on first reading. 2010-096 we are also going to place on first reading, it's repealing sections and enacting new sections of the code concerning community-based residential care facilities, we're going to put that on first reading and refer to Planning Commission. 2010-097 we are also going to place on first reading and refer to Planning Commission; this is regarding regulations for propane canister sales and filling them. And then finally, 2010-098 we are going to place on first reading and refer to Planning Commission, and it's to change the zoning classification of real estate at 21299 Morris Drive from General Industrial Classification to R1-75, One Family, Classification. And that's all we have this evening.

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

(None)

**FINANCE - Mr. Dooner:** Thanks, Mr. Gallagher. There are no ordinances or resolutions before the Finance Committee this evening.

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

(None)

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:** Thank you, Mr. Gallagher. We have, also, no ordinances or resolutions. I'd like to also remind you that the Mayor and Colliers International have scheduled an exclusive showing of the Strongsville Business and Technology Park this Wednesday at 8:30 a.m. and at that particular meeting we will have representatives from Wells Fargo Bank, and the topic will be How To Acquire Financing In Current Market Conditions, and that will also result in a tour of the surrounding area and the 169 acres that the City owns, and we are more than willing to have anyone help us develop. Our next meeting will be Monday, June 28<sup>th</sup> at 7:00 p.m. here at the Communications Center. That's all I have this evening, Mr. Gallagher. Thank you very much.

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

(None)

**BUILDING AND UTILITIES – Mr. Gallagher:** Also, there are no ordinances or resolutions before Building or Utilities. I will answer any questions.

(None)

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

**COMMITTEE OF THE WHOLE – Mr. Gallagher:** This evening we have Ordinance No. 2010-089, which is an ordinance regarding a settlement and release agreement with the Ledgewood Association in connection with various land use matters, recommendation is suspension and adoption. Ordinance 2010-101 is an ordinance for the voters regarding residency requirements for civil service employees, recommendation is first reading and back to committee. Ordinance 2010-102, also for the electors, regarding qualifications and appointment of the Chief of Police and the Fire Chief here in the City of Strongsville, recommendation also is first reading and back to committee. Lastly, we have Ordinance 2010-103, which is regarding a settlement of pending litigation in connection with the Pearl Road, recommendation is suspension and adoption. I'll take any questions.

(None)

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

**MAYOR PERCIAK:** Thank you Mr. President. Just a quick reminder to everybody that the Strongsville City Club is again sponsoring its annual Rib Burn-off, to be held this Thursday, Friday and Saturday on the Commons. All are welcome to be there. I think it's a good time; they've added several different types of games for children and slides and all kind of recreational activities for families there, so that is for our Strongsville City Club Rib Burn-off on the Commons this weekend.

And I just have one other announcement, Mr. President, and that is the Cleveland Water Department recently sent out water/sewer bills with an incorrect payment date. Residents, according to the Water Department, can add two weeks to the requested date and will not be penalized for a late payment. In addition, there has been a computer program issue with the Cleveland Water Department since November of '09 that has led to incorrect billing amounts being sent out. The program fix will not happen anytime soon, according to the Water Department, and they are making every effort to get it corrected as soon as possible. According to the Water Department, they are currently receiving over 1700 phone calls per day on these issues, so I ask you please, bear along with it. If you have any questions, call them, we do not issue the water bills out of the City of Strongsville and, as frustrating as it may be, there really isn't much of a choice, so we thank you for your patience. And that's the end of my report this evening, Mr. President.

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.

Mr. Gallagher – Questions for Mr. Dubovec?

(None)

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

**LAW DEPARTMENT – Mr. Kraus:** Yes, Mr. President. I would like to report that on May 17<sup>th</sup> Council had entered a conditional objection with respect to a liquor permit for Master Italian Restaurant and Pizzeria, and the reason for it was that they had not received a proper building approval with respect to the premises. We just recently found out that they have withdrawn their application for the liquor permit; I wanted to report that to Council.

I would also like to indicate that we have here this evening Mr. Todd Hunt, who is the attorney for Ledgewood Association. I want to thank Mr. Hunt for his cooperation and courtesy in working with our Law Department and our Engineering Department in reaching the resolution that Council has before it this evening in Ordinances 2010-089 and 090.

And finally, I would like to report that all ordinances and resolutions before City Council this evening are in proper legal form. Thank you.

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

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – We have reached the point in our agenda where we have audience participation. Anyone in the audience wishing to comment the Council, we welcome your comments. You have five minutes; we need your name and address for our record. We don't have anyone signed in that I can tell, but anyone still is welcome. Mr. Hunt.

Mr. Hunt - I wasn't going to say anything this evening, but Mr. Kraus thanked me, so I want to thank the Law Department for their professionalism and their courtesy. I am the attorney for Ledgewood Association. I also want to thank Mrs. Daley for her time and efforts on this matter, and hope that you favorably approve it this evening. Thank you.

Mr. Gallagher – Thank you, Mr. Hunt. Mr. Hunt, can we have your address, please, for our record?

Mr. Hunt – Sure. 1301 East Ninth Street, Suite 3500, Cleveland.

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

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – It's been awhile since I've been up here, and let's start up with something that I brought up and everybody laughed at me.

Mr. Gallagher – Not the pigeons.

Bill Vassil – Just keep quiet, will you? We have wild animals in this town, better known as peacocks. What kind of legislation does this body have to protect the city, plus neighbors, from peacocks walking all the way up to the front of their driveways, and they're getting away with it. If you were watching TV last week, there was an incident, I think the Denver Zoo, if I'm not mistaken, peacocks walking around, a little boy went up and a peacock got him, scarred his face. We don't have any legislation to prevent this.

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

Bill Vassil (cont'd) - And I think everybody knows who I'm talking about. This should be taken care of quickly; otherwise, if something happens, somebody is going to get sued and there goes our tax dollars. So let's get some legislation on the books for wild animals not to be running around out of cages or whatever. There's another thing going on over there also. And the trailer is now between the houses again. It's just like going around and around and around; I know Mr. Haseley writes him up and he does what he wants. Also, at 17363 we've got a big Audi sitting next to the house.

Mr. Gallagher – No, that's been moved, I drove by there yesterday.

Bill Vassil – No, no, no, no. Wrong house.

Mr. Gallagher – Oh, different house?

Bill Vassil – It's a different house. It's a relative of the person I was just talking about. Now the Audi is up on the grass, big black one. It's illegal.

Mr. Gallagher – We'll take care of that.

Bill Vassil – I'm sure you will. It's not in your ward.

Mr. Gallagher - I got the other Audi, I'll get that Audi.

Bill Vassil – You didn't get that out of there.

Mr. Gallagher – Oh yeah, I wrangled them.

Bill Vassil – Yeah? Well, now the car that was there that had the bogus plates on it is now behind Tomo's. I had to go to the bank today and I saw it. Can't miss it, it's got dents all over.

Mr. Gallagher – You're like Batman.

Bill Vassil – I'm terrible. I'm coming down to your house, too.

Mr. Gallagher – I know.

Bill Vassil – Yeah. No, I'm serious; let's get some of this legislation on the books to do things.

Mr. Gallagher – We can discuss that peacock issue because that's...

Bill Vassil – Yeah, we need to do that, believe me.

Mr. Gallagher – They shouldn't have their... These are pets, right?

Bill Vassil – I'm not – You know, I'm not going to come up here and tell you something that's not true. All you got to do is go as the neighbors, your ward and his ward, and they'll tell you, peacocks walk around all day.

Mr. Gallagher – They have -- those are like pets, right?

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

Bill Vassil – That don't make any difference, they're a wild animal.

Mr. Gallagher – I know, but that's their purpose, is for pets, I guess?

Bill Vassil – Who knows?

Mr. Gallagher – Okay.

Bill Vassil – It's grandfathered, supposedly, I don't know. All I know is I was accused of the ducks, just remember that.

Mr. Gallagher – I understand.

Bill Vassil - And you know he was lying.

Mr. Gallagher – Thank you, Mr. Vassil.

Bill Vassil – Yes.

Mr. Gallagher – Anyone else in the audience? Sir?

Tony Discenza, Waste Management, 6705 Richmond Road, Glen Willow, Ohio 44139 - Mr. Mayor, Council President, Members of Council and Administration, and friends and residents of Strongsville. My name is Tony Discenza and I'm with Waste Management, 6705 Richmond Road, Glen Willow, 44139. I am the public sector representative for Waste Management, responsible for northeast Ohio. And I've talked before you before, but I'm not sure that everyone was here, and I know that Ordinance 2010-100 is on the agenda tonight for its first reading. I wanted you to know that we look forward to preparing a bid; I'll be the guy putting those numbers together with a whole team of people, but we're really looking forward to sharpening our pencil and giving Strongsville and residents the best rate that we can. That's all I wanted to say, I don't want to give you a pitch or whatever, I'll save that for the proposal. But I did want to at least maybe give you a face that you can attach the proposal to so you know where it came from. Again, thank you for your time and we look forward, when the specs do come out, to providing a bid.

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

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2010-089** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR AND LAW DEPARTMENT TO ENTER INTO A SETTLEMENT AND RELEASE AGREEMENT WITH THE LEDGEWOOD ASSOCIATION IN CONNECTION WITH VARIOUS LAND USE 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. 2010-089 ADOPTED.**

**Ordinance No. 2010-090** by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT SEPARATE GRANTS OF EASEMENT FOR ACCESS TO UTILITIES AND A CITY PUMPING STATION, FOR CULVERTS, AND FOR SANITARY SEWER FORCE MAIN WITH APPURTENANCES AND UTILITY LINES; TO GRANT AN EASEMENT FOR RETAINING WALLS; AND TO QUIT-CLAIM TWO PARCELS TO THE LEDGEWOOD ASSOCIATION ALL IN CONNECTION WITH IMPLEMENTATION OF A SETTLEMENT AND RELEASE AGREEMENT APPROVED BY COUNCIL, 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. 2010-090 ADOPTED.**

**Resolution No. 2010-092** by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING IT NECESSARY TO IMPROVE DRAKE ROAD BETWEEN CERTAIN TERMINI AND THE ENTIRE LENGTH OF GREENBRIER DRIVE BY CONSTRUCTING SANITARY SEWERS, SANITARY SEWER FORCE MAINS, A PUMP STATION, STORM SEWERS, CATCH BASINS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAYS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, 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.**

**Resolution No. 2010-092 ADOPTED.**

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

**Ordinance No. 2010-093** 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 FABRIZI TRUCKING AND PAVING CO., INC. IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT (CUY-42-0.90), 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. 2010-093 ADOPTED.**

**Ordinance No. 2010-094** by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 2 (FINAL) 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. 2010-094 ADOPTED.**

**Ordinance No. 2010-095** by Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR STORM SEWER SYSTEM (CULVERT) PURPOSES FROM WALTER & DEBBIE KAZYMYRIW; DARRELL K. & ANNE KENT; AND MARY T. PODUCH, IN CONNECTION WITH THE SHURMER ROAD CULVERT EAST REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

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

**Ordinance No. 2010-096** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 1240.08(c)(4) J, K, AND L, REPEALING SECTION 1242.07(b)(5), AMENDING SECTION 1252.02, AND ENACTING NEW SECTION 1252.37 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY CONCERNING COMMUNITY-BASED RESIDENTIAL CARE FACILITIES.

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

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

**Ordinance No. 2010-097** by Mayor Perciak, Mr. Coyne and Mr. DeMio. AN ORDINANCE ENACTING NEW SECTIONS 1242.07(b)(9), 1258.03(a)A9, 1258.05(a)(6), AND 1262.04(a)(4)E OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR PROPANE CANISTER SALE, EXCHANGE AND FILLING, AND DECLARING AN EMERGENCY.

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

**Ordinance No. 2010-098** by Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 21299 MORRIS DRIVE (PART OF PPN 393-06-014) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION. (Kris Krems, Owner; Matthew Sokol, Agent. Proposed use: Single family residential.)

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

**Ordinance No. 2010-099** by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF SEVEN CARDIAC MONITOR/DEFIBRILLATORS AND ACCESSORIES FOR USE BY THE FIRE DEPARTMENT WITH THE SALE, TRADE-IN AND CREDIT FOR EXISTING OBSOLETE DEFIBRILLATORS, 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. 2010-099 ADOPTED.**

**Resolution No. 2010-100** by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE FURNISHING OF SOLID WASTE AND RECYCLABLE COLLECTION SERVICES, FOR OPERATION AND MAINTENANCE OF THE CITY'S TRANSFER STATION, AND FOR THE RECEIPT, TRANSPORT AND DISPOSAL OF SOLID WASTE IN THE CITY OF STRONGSVILLE.

***First reading. Referred to Public Service and Conservation Committee.***

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

**Ordinance No. 2010-101** by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT AN ELECTION DESIGNATED AS A SPECIAL ELECTION, AN AMENDMENT TO ARTICLE IV SECTION 7(e) OF THE CHARTER OF THE CITY, REPEALING AS A MATTER OF LAW RESIDENCY REQUIREMENTS FOR CIVIL SERVICE EMPLOYEES, AND DECLARING AN EMERGENCY.

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

**Ordinance No. 2010-102** by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT AN ELECTION DESIGNATED AS A SPECIAL ELECTION, CERTAIN AMENDMENTS TO ARTICLE II, SECTION 5(g) ENTITLED "APPOINTMENT OF CHIEF OF POLICE AND FIRE CHIEF" AND ARTICLE IV, SECTION 7(c) ENTITLED "CLASSIFICATION OF SERVICE" OF THE CHARTER OF THE CITY TO PROVIDE FOR THE QUALIFICATIONS AND APPOINTMENT OF THE CHIEF OF POLICE AND FIRE CHIEF, AND THEIR PLACEMENT INTO THE UNCLASSIFIED SERVICE OF THE CITY; AND DECLARING AN EMERGENCY.

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

**Ordinance No. 2010-103** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE LAW DEPARTMENT TO ENTER INTO AN AGREED JOURNAL ENTRY IN SETTLEMENT TO RESOLVE PENDING LITIGATION IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT (CUY-42-0.90), 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: Ayes: DeMio, Dooner, Gallagher, Haseley, Daymut, Coyne.**

**Nays: Roth.**

**Motion carries.**

**Ordinance No. 2010-103 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

None.

**MISCELLANEOUS BUSINESS:**

Mr. Daymut – Mr. Gallagher.

Mr. Gallagher – Mr. Daymut.

Mr. Daymut – Thank you, I appreciate that. As you know – actually, I spent the better part of the last two weeks trying to get my arms around this oil well application that has been applied to right across from the school.

**MISCELLANEOUS BUSINESS (cont'd):**

Mr. Daymut (cont'd) - And, as you know, we've received a second one now. I do have calls into our State Representative and Senator, since I know they were instrumental in working on this Senate Bill 196 to help protect the residents, or better protect the residents. I know the State regulates it; I'm very concerned about the safety of our individuals. I know I've had discussion with the Mayor and I've had discussion with Chief Moody because we are the front line here and I think – what happened over the weekend, I don't know if you're aware of it or not, but there was a major incident in Gates Mills where there was oil leaking into the environment and put many people at risk. Hopefully, it has been contained. As you know, I'm not quite sure what the rules and regulations are for the actual drilling. What's happening in the Gulf is on all our minds at the moment and I believe this is the same basic principal with release valves and concrete that has to be poured into and (unintelligible), the things that I'm not really an expert in. So, any assistance that the Council and the administration will provide to me to better understand how this happens and to make sure that, since the State has deemed it necessary that these happen in residential areas, that we provide the utmost safety, health and welfare for our residents. So I'm open to any suggestions and anything you can do to help me better understand this and get my arms around it, I would appreciate it. Thank you, Mr. Gallagher.

Mr. Gallagher – Thank you, Mike. Lastly, I have an announcement for those of you that have WOW cable; they will no longer be carrying the NFL Network, effective August 1, 2010. Information will be scrolled on your screen. They believe that they made a reasonable offer, which is in the best interest of their customers, and have not come to an agreement with the NFL. So you may contact Mr. Kirk Zerkle at (440) 625-0301 before kickoff starts, maybe get that taken care of. That's all I have. Anything else, gentlemen?

(No comments)

**ADJOURNMENT:**

There being no further business to come before this Council, President Gallagher adjourned the meeting at 8:29 p.m.

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

July 6, 2010  
Date of Approval