

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JULY 6, 2010.

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on ***Tuesday, July 6, 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, City Engineer Ken Mikula, Economic Development Manager Brent Painter, Recreation Director Steve Kilo, 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 second 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 recommended that the following Ordinances be placed on second reading and set for public hearing on September 7, 2010: 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. Mr. Coyne noted that Ordinances 2010-096, 097 and 098 all received favorable recommendation from Planning Commission on June 24. Mr. Coyne recommended suspension and adoption for the following Ordinances: 2010-104 regarding the application for and acceptance of funding assistance under ODOT's Safety and Congestion Program in connection with Phase II of the Pearl Road Widening Project; 2010-105 to enter into a contract for the pavement resurfacing of Shurmer Road for 2010; and 2010-106 to enter into a contract for improvements to various streets in connection with the Pavement Rehabilitation Program for 2010.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinance 2010-107, authorizing an application for financial assistance under the Drug Abuse Resistance Education ("DARE") Law Enforcement Grants Program.

Mayor Perciak reported we are in the drywall stage with the renovation of the police facility, it will be painted in the summer; we hope to lay the sidewalks in the front of the relocated part of the police station by month-end, and we hope to have an open house in October.

Public Service and Conservation Committee: Chairman Haseley recommended suspension and adoption 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. He also recommended suspension and adoption for Ordinance 2010-108, authorizing entering into a grant agreement with NOPEC for financial assistance in connection with the "Powering Our Communities" Grant Program to install energy conservation measures in City facilities. The Mayor interjected that the grant is for \$216,000.

Mr. Kilo added that this is the grant we applied for to install energy efficient lighting at the entire Recreation Center. This will not only provide \$216,000 and will not cost the City a penny, but it will give us an annual savings of about \$35,000 on energy bills. Mr. Kilo stated he, Mr. Painter and Mr. Biondillo did a lot of work on the grant application; out of all the applicants, we had the highest score – 114 out of 115 possible points.

Finance Committee: Chairman Dooner recommended first reading for Resolution No. 2010-109, certifying unpaid property maintenance nuisance abatements to the County Auditor. The list of unpaid nuisance abatements will be forthcoming. Mr. Daymut stated he feels we have really improved upon this because when there is the sale of the property for foreclosures we collect that now. Mr. Daymut stated he hasn't had any calls, so he assumes the whole problem has been corrected. Mr. Walker stated we are doing it all in-house now and the problem is corrected. Mr. Daymut appreciates this because that was the concern from many of the residents that bought the homes. The Mayor stated that on the other side, there are approximately 160 homes on that list and the list is getting longer as this unemployment cycle continues. He added that he and Mr. Painter are doing everything they can to pay attention to grant money where we, as a city, can find a way to help refurbish these homes and get involved to make certain we maintain our housing stock. Mr. Daymut stated he could speak for the residents who have contacted him, that by having this program in place, we are able to maintain the property and at least the property looks pleasing from the street. He stated he understands the difficulty we have with the foreclosures, but the program really helps the neighborhoods and the neighbors, where they don't have to put up with that period of time where there is no property maintenance being done at all. Mr. Daymut feels the program really adds something to the City, and if we are able to receive the funds back, he feels it is a real plus for us.

Economic Development and Technology Committee: Chairman Daymut recommended suspension and adoption for Ordinance 2010-110 concerning participation in U.S. General Services Administration Contracts for the purchase of services and support for video processing and surveillance, forensic and fraud prevention, data network engineering and computer hardware and software maintenance for use by various departments. The price is not to exceed \$120,000 for the year 2010 and the purchase will be made through Sems & Associates Limited. Mr. Daymut stated this is needed for police, fire and the computers in various departments throughout the City. Mr. Daymut stated he would give the rest of his report on the floor.

Mayor Perciak asked Mr. Painter to report on their trip to Columbus to make application for the Ohio Jobs Program. Mr. Painter reported that last Tuesday he and the Mayor traveled to the Ohio Department of Development in Columbus to give a presentation of the extension of Foltz Parkway in their quest to seek a \$3.5 million dollar grant from the state for the entire project, to open up the City's 169 acres. He stated they were afforded a half-hour to give the presentation, twenty minutes to present the City's case and ten minutes for questions and answers. He stated they were accompanied by State Representative Matt Patten, who was there in support of the City's application. Mr. Painter stated the presentation went very well; during the question and answer period, they were able to field all questions thoroughly, and received very good feedback from the State. He stated we are hoping to get a result of the grant by the end of the summer. Mayor Perciak commented that when you see Matt Patten, thank him; he made it a point to make sure he was there, they understood the importance of this, especially with Matt's presence, and that was a big plus for us. The Mayor added we were able to demonstrate to them the need we have, the number of jobs that we are able to create and the total dollar amount of revenue that we would be able to generate from the development of that land. He stated the good part of it was that we already have the street in on the first 43 acres and it also demonstrated the City's commitment to the project by all the money and time we have already invested.

Mr. Daymut added that a copy of the presentation is available for any Council member desiring one. Mr. Daymut stated he and the Economic Development Committee appreciate the Mayor's efforts and his traveling to Columbus to make the presentation, he feels there is no better salesman than the mayor of a City and with an excellent presentation such as this, he doesn't see how they can turn us down. The Mayor stated they also brought up at the presentation the open house we had with all the commercial brokers here.

Mr. Daymut talked about the success of the exclusive showing with Colliers International of the City's business and technology park and our developable land. It was very well attended and there was a great deal of interest during the meeting. Representatives from Wells Fargo were there to discuss ways to finance projects. Mr. Daymut stated he feels that not only was the event well attended, but also the City will receive a great deal of benefit from the event in the future.

Committee of the Whole: Chairman Gallagher recommended that Ordinance Nos. 2010-101 and 2010-102, both proposed charter amendments for submission to the electorate, be amended by substitution, then suspended and adopted as amended. He recommended suspension and adoption for Resolution 2010-111, declaring the month of August 2010 as Council Recess Month.

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. Dooner discussed with Service Director Walker a resident concern about a large chuckhole on Mill Hollow. Mr. Roth inquired about a proposed new street off Prospect Road; he stated he hopes they are not going with a sanitary towards Prospect, with a ninety-year-old line.

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JULY 6, 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 July 6, 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; Ken Mikula, City Engineer; Brent Painter, Manager of Economic Development; Steve Kilo, Recreation Director; John Bedford, Communication and Technology Director; Anthony Urankar, Human Resources Director; Charles Goss, Chief of Police; and Robert Moody, Fire Chief.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of June 21, 2010 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

None.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher: There will be an upcoming meeting next week, I believe it is, and I will be in attendance. I will have a report after that.

SCHOOL BOARD – Mr. Roth: Thank you Mr. Gallagher. I will report after the next school board meeting -- regular meeting.

I am still waiting for an answer on the Surrarrer fence letter that Leslie so kindly...

Ms. Seefried – We did reissue your request.

Mr. Roth – Okay, thank you.

Ms. Seefried – You're welcome.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Roth – If I get an answer to that, that would be appreciated. That's it, Mr. Gallagher.

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

Mr. DeMio – Just if Mr. Roth knows or the Mayor knows – I asked a couple weeks ago what they plan on doing with the Allen school land, since I seem to get a lot of questions about that, as early as this afternoon. So if anyone knows anything, just if they could update us, I would appreciate it.

Mr. Roth – I haven't heard anything. Mayor?

Mayor Perciak – No, I haven't, but I think part of the issue is there, you know, they are in transition there with the business manager and – they have just hired a brand new business manager and until he gets in place and – I'm not sure if he just is starting or somewhere around mid-July, but I know that they've hired somebody and the majority of them are pretty much off until probably the beginning of August.

Mr. DeMio – And I know you will because I know you have, the awesome, or the overwhelming amount of recreation that takes place outside that building that isn't directly related to the school is really the overwhelming questions I'm getting. The baseball, the soccer, the flag football, all those things.

Mayor Perciak – I would believe that our Director Steve Kilo has addressed a lot of that too, Joe, and we also have concerns about the baseball diamonds and everything that's going to go on there. So, Steve, would you want to elaborate a little bit on that about your discussions?

Mr. Kilo – We have talked and I know that what the Mayor is saying is correct; with Mr. Morton leaving, it's more of getting the new business manager in place so that we can have this conversation. From what I've spoken to, they've been still receptive of our use without knowing what exactly is going to happen.

Mr. DeMio – Because I know you know the amount of volume that just takes place over there.

Mr. Kilo – I do.

Mr. DeMio – Okay. Thank you. Mayor, thank you and, Mark, thanks.

Mr. Gallagher – Thank you, Mr. DeMio.

Mr. Roth – That's probably the delay, also, in me getting an answer about the fence.

Mr. Gallagher – Well actually, Mark, I remember getting a memo here about the voting polls over there, too. So at the next meeting, maybe you can get that clarified as to where people are going to go for elections.

Mr. Roth – Okay.

Mr. Gallagher – Thank you.

REPORTS OF COUNCIL COMMITTEES (cont'd):

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: There is no legislation this evening. I will take any questions, though.

(No questions)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you, Mr. Gallagher. We have two items on this evening's agenda. Resolution 2010-100, the request for bids are ready and the recommendation is suspend and adopt so those can be sent off and we can get good pricing, I hope; and Ordinance 2010-108 is the acceptance of a grant from NOPEC. What is it, Mayor, two hundred and ten or two hundred and eleven thousand dollars?

Mayor Perciak – Two hundred and sixteen.

Mr. Haseley – Okay, give or take a couple. Recommendation is to suspend and adopt that, too. That concludes my report and if there are any questions, I'll be glad to field them.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

PUBLIC SAFETY AND Health – Mr. DeMio: Thank you Mr. Gallagher. We have 2010-107, which is an application for a DARE grant, which we have been very successful over the years, and we are among the finest in the State with our DARE program. I'm looking forward to hearing about that in the days to come. The other thing, the Mayor, in caucus, updated us about the ongoing things that are happening at the police station and sometime in October, we'll hopefully get a better look at what's going on, and he promises not to lock up Council in case we go visit the jail area. Is that – Mayor, I would like to have that on the record because I don't want to...

Mayor Perciak – For the record, we will not lock up Council in the police station. We'd ask that the Chief doesn't bring his handcuffs or his keys. But besides that, if there are any other questions for this Committee, now is the time; if there is anything, please speak up.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

Mr. DeMio – All right, Mike, I'll close the committee then. Thank you.

Mr. Gallagher – Thank you, Joe.

PLANNING, ZONING AND ENGINEERING – Mr. Coyne: Thank you, Mr. Gallagher. We have Ordinance 2010-095, accepting grants of easement for storm sewer system on Shurmer Road, we're going to place that on second reading. 2010-096, that's repealing the Codified Ordinances concerning community-based residential care facilities, we are going to place that on second reading and we're going to have a public hearing on that September 7, 2010. 2010-097, we're enacting new sections regarding regulations for propane canisters, we're going to place that on second reading and there's going to be a public hearing also on that on September 7, 2010. 2010-098, that's an ordinance changing the zoning classification at 21299 Morris Drive from General Industrial to One Family 75, we're going to place that on second reading and there's also going to be a public hearing on that on September 7th.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Coyne (cont'd) - 2010-104 we're going to suspend and adopt on that, we're accepting a grant from the Ohio Department of Transportation for the widening of Pearl Road, it's worth \$500,000. 2010-105, an ordinance for a contract for resurfacing Shurmer Road, Karvo was the low bid on that, \$394,616.00; we're going to suspend and adopt. Ordinance 2010-106, that's our road maintenance program, Konstruction King was the low bid, \$934,617.20. That's all I have this evening.

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

(None)

FINANCE - Mr. Dooner: Thanks, Mr. Gallagher. We have before us Resolution 2010-109, this is a resolution authorizing the Director of Finance of the City to certify to the Auditor of Cuyahoga County unpaid property maintenance nuisance abatements for levy and collection; we're going to place this on first reading because we do not have the final list as of yet. 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 have Ordinance 2010-110, it received a favorable recommendation from the committee this evening.

I'd like to give a brief report on our meeting of June 28th. Our next business network breakfast meeting will be September 23rd and we are in the process of receiving applications for innovation awards for that particular breakfast meeting. As far as our technology committee goes, there is going to be a seminar planned for the fall by grouping together some of our technology companies here in Strongsville to see how we can better assist them. And, also, the Rotary/Chamber Business Expo will be discussed in the next few weeks and we'll see what direction that will take. Our small business seminars will take place this fall, there is some information available through the Chamber of Commerce here in town and more information will be available as soon as September on that. There will be a charge for non-Chamber members of ten dollars, but if you're a Chamber member, it will be free. On Strongsville Business and Technology Park, we did hold a showcase on June 23rd and I will ask the Mayor to comment on that and, also, on the application that we did apply for for the Ohio Jobs Ready Sites Program that the Mayor and Brent Painter attended on the 29th. And, finally, our next meeting will be Monday, July 26th, at 7 p.m. here at the Communications Center.

As I said, Mayor, if you'd care to comment on both the showcase, which I felt was very successful, and I'd like to personally thank Bill Zimmerman for opening up the CSC Group for that particular evening, and for your thoughts on your presentation and Brent's on the Ohio Jobs Ready Program for our grant.

Mayor Perciak – Thank you, Councilman Daymut. First of all, the business showcase event I believe went off better than we expected. Along with our Economic Development Manager/Director of our Economic Development Department, we were able to host an open house where approximately fifty people attended. And you can say, 'well, why do we need an open house in the City of Strongsville?'

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mayor Perciak (cont'd) - The City of Strongsville owns approximately 169 acres that need to be developed. In order to help facilitate the sale of that land, we held an open house and we invited all the major commercial real estate brokers here from northeast Ohio and we were very, very pleased that the majority of them did show up. In addition to being able to showcase this property to the real estate brokers, our Economic Development Director along with the real estate brokers were able to bring to the table Wells Fargo Bank, and in this day and age to find a lender who is willing to speak about lending money on commercial real estate or commercial property, that in itself was a win. The event lasted approximately an hour and a half, two hours, and a lot of discussion, a lot of cross selling going on there, and I think if anything – if anything, we left all of those people in attendance that Strongsville has an Open for Business sign on that and that we have raised the bar here as far as attracting good, quality, non-retail businesses for our business park, for our technology park. And if you would really look at that technology park and look at some of the technology parks, just the amount of businesses that are related to the medical industry, you would be very, very surprised, and the amount of dollars that those businesses now generate, whether they're affiliated with the insurance business or they're affiliated with the Cleveland Clinic or UH Hospital, Instrumentors, you name it, it's all a part of what's going on in our technology park. And not to mention CSC, whose primary business is the medical software business, where the event was held. So we want to also thank Bill Zimmerman for that. And then on last Tuesday, the Economic Development Director, Brent Painter, and I, again, we went to Columbus and I think I'll let Brent talk about that just for a few minutes because he made the major presentations and I answered most of the questions. So, Brent, do you want to just tell them what that was, please?

Mr. Painter – We did attend a meeting on Tuesday, last Tuesday, in Columbus, the Mayor, myself and our representative, Matt Patten, with the State through the Ohio Department of Development, present our 169 acres and the reason we need a grant to extend Foltz Parkway to Boston and create total access to the property. What happened was we had twenty minutes to present why we need the funding, the strengths of our project, the marketing that we have in place to help sell the property, and then after that we had ten minutes of questions and answers with the panel. Everything was very well received and all the questions that they had were completely answered and, from the feedback we received, very well received as well.

Mayor Perciak – Just another thing I think we need to add there is the difference this time from the last time when we applied was that we have our – thanks to our Engineering Department, we have all of our wetland permits and our Army Corps of Engineer permits in place. So that delineation is there, we know where we're going with that, we know how many acres that have to remain conserved, if you want to use that terminology. We also defined any of the green space; probably half of what is there is going to be in some way a wetland or green space, correct, Mr. Mikula? So that really was a selling point when we were with the panel in Columbus. So, we're hopeful. We never give up hope. But, at the end of the day, the real purpose for that visit was, yes, to get money for the park, or for the infrastructure, but it's to help create almost three thousand jobs in our community, that's what we were there. And if we can create work in this community, what a better place it is for all of us. So that's our goal, so if there was a way for you to write your local legislative leaders I would tell you to do it, but it won't help in this case, so just kind of hope that we can get this done and create this technology park, this fantastic workplace here in our own community. And these are good paying jobs that will help provide for us the income tax dollars that we need to take our community to a new level. That's the end of my report, Mr. President, on subject.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – Thank you, Vice Chair Perciak, Economic Development and Technology Committee. Is that it, Mike?

Mr. Daymut – That's it. But I would like to thank the Mayor for attending that meeting down there. Oftentimes, everybody makes these applications, whether we're looked on favorably or not, it was the best effort given by the administration and I don't think we can expect or could want anything more, and always in the forefront for not only trying to gather the dollars here, but to support our existing businesses and to expand those. Thank you.

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

(None)

BUILDING AND UTILITIES – Mr. Gallagher: There is no legislation before Building and Utilities. I will take any questions.

(None)

COMMITTEE OF THE WHOLE – Mr. Gallagher: We have three items. We have our charter issues, Ordinances 2010-101 and 102, we will do both of these amend by substitution; we will suspend as amended and adopt as amended. Resolution 2010-111 is suspension and adoption and that just declares the month of August as Recess Month. Any questions?

(None)

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

MAYOR PERCIAK: Thank you Mr. President. Two items this evening. The first thing, we're getting ready or preparing for the annual Homecoming, which will begin Wednesday with our annual parade, a large crowd is expected, hopefully this year we will not be bothered with rain. But the Homecoming begins Wednesday, July 21st, continues through Thursday the 22nd, Friday the 23rd and, of course, we conclude at midnight on the 24th. So again, that's the Homecoming, which we're all looking forward to here in the City of Strongsville.

Then my second announcement is a good announcement and I hope everybody receives this as a – We're finally getting there with Pearl Road; we're not done with this phase where we're at now, improving almost up to the hospital, and we're already looking to take it up to Boston Road. And I just received a letter from the Ohio Department of Transportation, as Councilman Coyne indicated, and it says 'This letter is to advise the City of Strongsville that your application for Safety and Congestion Program funds has been approved.' The approval is for one half million dollars for detail design. So we are going to get going on this as soon as we can, we are waiting for the Law Director to advise us as to the next steps and our Engineer so that we can go ahead and engage an engineering firm so that we can get this road open to the top of the hill. We have also applied – I've talked with our Engineer – for Trac II funds to take us to the top of the hill and that application will be for five million dollars. Also, we'll again speak to the other agencies, the County and everyone else that will listen to us, so that we can get this Pearl Road open to the top of the hill and then our job, as Strongsville administrators and legislators, will be complete. So we're on our way, we're starting, and we just want to make sure we get that final phase done. Other than that, I have nothing else, Mr. President, unless there are questions.

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

Mr. Gallagher – Thank you. Any questions for Mayor Perciak?

(None)

FINANCE DEPARTMENT - Mr. Dubovec: Thank you, Mr. President. 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)

LAW DEPARTMENT – Mr. Kraus: Yes, Mr. President. I would like to report several items this evening. For some time the City has been in litigation, along with Lowe's and a developer who had developed part of our north end on Pearl Road, and the issue in this case had to do with a potential ring road that was in a development agreement. The City wants the ring road and wanted the ring road to be constructed for safety reasons and to afford our residents and shoppers the opportunity to safely traverse from one store to another in that area. And we are pleased to report that finally a ruling was issued from our Common Pleas Court that did sustain the City's position and the Lowe's/Lewansky position in this lawsuit. The Court found that it was appropriate to proceed with the ring road and overruled any objections by Home Depot and other parties who had argued against the ring road. So that is an advantageous ruling for us and for all of our residents.

Along the lines of litigation, the Sewer District litigation still proceeds. The most significant development during the past couple weeks was that the Common Pleas Court through Judge Pokorny has granted two motions to intervene by other parties in this matter. One motion to intervene was the Cleveland Catholic Diocese, they have been granted intervention, they will have an opportunity to argue their position in this lawsuit, which we believe is appropriate. And secondly, a group of landowners, apartment associations and other substantial landowners in the district and in the area represented by attorney Sheldon Burns and others have been granted intervention. We also think this is a positive development so that a totality of not only municipalities but landowners will have an opportunity, since we believe they are the real parties in interest in this litigation, and can assert their position in the case before Judge Pokorny.

Thirdly, I would like to bring to the attention of Council a Board of Zoning Appeals matter. The administration, in an effort to facilitate business here, would like Council to consider waiving the last seven days for a potential appeal period with respect to a twelve foot lot variance granted. It's a 200 foot requirement; it's 188 feet, for Lemonberry Frozen Yogurt at 12927 Pearl Road. There has been no objection or request for review to date. We would ask Council to make a motion to waive the last seven days of the twenty day review period so that a permit can be issued. Can I ask President for...

Mr. DeMio – Mr. Law Director, would you like me to do that now?

Mr. Kraus – Yes, sir.

Mr. DeMio – Michael? So moved.

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

Mr. Coyne – Second.

Mr. Gallagher – Motion by Mr. DeMio to waive the wait period, seconded by Mr. Coyne. Call the roll, please.

Roll Call: All ayes. Motion carries.

Mr. Kraus – Thank you, Mr. President and Council. Just two other brief matters. I want to remind the directors and the Council members that, of course, with the August recess that the July 19th Council meeting will be the last Council meeting until the September 7th meeting; therefore, we would very much appreciate all requests for legislation being transmitted to the Law Department by this Thursday, July 8th.

And finally, I would like to certify that 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?

(None)

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the segment of our evening where we have audience participation. Anyone in the audience wishing to address Council, this would be the time to do it. We have a sign-in sheet, there is no one signed in, but that doesn't preclude you from coming up. Is there anyone in the audience wishing to speak with Council? Sir, if we could have your name and address for our record, I would appreciate it.

William Kanzeg, 15105 Whitney Road, Strongsville – Yeah. William Kanzeg, 15105 Whitney Road. I just recently found out about this oil well. Most likely, it sounds like it's going to happen over on Albion and Webster. I saw a film and I called several of you folks, it was called Gas Land, which this filmmaker went around the country and all of these wells where they were oil and gas, and it's pretty scary because everybody that lives around these, they get sick. So it sounds like this is going to happen, and from what Mr. Daymut was telling me, there is really nothing that you guys can really do about it because of our great lawmakers in Columbus and our former president and the leaders in 2005 in our congress and senate who put an amendment in that said the EPA has no jurisdiction over these gas companies. So we are all stuck with this. The only thing that I'm here to say is that – and I left a message with you, I...

Mr. Daymut – Yes.

William Kanzeg - ...seen you got it. Is that it seems to me that for the kids that are going to be in that school, particularly if they end up doing fracking in this process, whether or not they are or not, I don't know, but if they do --- and the process is so dirty with the chemicals that they use, that those kids are all going to be in real jeopardy in terms of health. And people who live around the area, probably within a quarter mile of it. I live about three-quarters of a mile and I'm not downwind of it.

AUDIENCE PARTICIPATION (cont'd):

William Kanzeg (cont'd) - The only fear that I have is if they do do the fracking that -- it's probably a very slim chance, but that if in the process of breaking the shale up the gas gets out, it could leak up to the surface. If you ever see the movie, there is a situation that that did happen. So, in terms of property owners, if that were to happen, their property is worthless because what are you going to do if you've got methane gas leaking out there? But what I'm saying is, is legally – I mean, I'm not a lawyer, so I'm only guessing here, but – legally, in all of these cases that I saw, that it was their word against the gas company. And because nobody had done any studies because EPA is out of the loop, they just say, 'well, there isn't any proof that it links us'. So it seems to me that, I know the time is short, but it's going to take a while to drill that well, is that this community should – especially for the kids that are going to be in that school because they're going to be trapped in that school day after day and if there are fumes going by there, they're going to be breathing it – is that we should do some type of baseline study so you'd have all those kids looked at, blood tests done, especially to check for those chemicals that they're going to be using, so that if they do get sick, now you've got something to go to court with and say prior to they were all perfectly fine, you did all this, now we've had them all checked again and, you know, they have asthma, they have aches and pains and there's no reason for it, maybe there's trace levels of these chemicals in their blood. And at least you'd – the individual would have somewhere to go. Because otherwise, it's...

Mayor Perciak – Bill. Mr. President, if I may.

Mr. Gallagher – Mayor.

Mayor Perciak – Yes. Would you mind having a conversation with our Fire Chief, and he can update you as to what we can or cannot do. And I know you're bringing up many, many concerns that we all share here.

William Kanzeg – Yeah, well...

Mayor Perciak – And not only share, but I mean, we have very, very serious concerns here, also. So, but I think the Chief would be happy to take you into one of the side rooms and discuss with you all of these issues as to what we can do here to make certain that it will be as safe as possible. And the Chief has addressed many of these questions with the company and maybe some of the residents there who are willing to put up the land. So, we understand where you're coming from...

William Kanzeg – Right. Well, I'm just...

Mayor Perciak - ...and, believe me, it's not my first choice and, as the Law Director will tell you, this is what happens when we lose home rule...

William Kanzeg – Right.

Mayor Perciak – These are the things that we – people that are at home listening, should be writing their state rep, should be writing their state senator, making them aware of what's going on here, that this is going on in their back yards, near their schools, etcetera, and children, and I think maybe they'll listen.

AUDIENCE PARTICIPATION (cont'd):

William Kanzeg – Well, is there anything that's being done in terms of – I mean, I don't have kids in the school – I'm not married, I don't even have kids, but is there anything, any communication to the parents?

Mayor Perciak – Well, I think really you need to have a conversation with the Fire Chief, so...

William Kanzeg – Okay.

Mayor Perciak – ...Chief Moody, would you want to excuse yourself for a few minutes and have a conversation, please?

William Kanzeg – Well, thank you.

Mr. Gallagher – Thank you.

Mr. DeMio – Thank you. And thank you for calling us.

Mr. Coyne – Thank you.

Mr. DeMio – Very much.

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

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. Question for the Mayor. What do you hear on the electric? It's awful quiet in Columbus.

Mayor Perciak – There's some type of razzmatazz that came across my desk today -- and I have a couple people looking into this -- about some type of reduced rates that are going to be for the rest of this year. I want to verify it before we come public with it or -- because I just don't know, it did not appear to be on official stationery and letter head, but as soon as I hear something, I will...

Bill Vassil – Oh, I'm sure they're working behind the scenes to shaft us.

Mayor Perciak – Well, I'm not sure that that's the case anymore because it's been so public, it's been up for so much debate that I think everyone in Columbus, starting from the Governor's office on down, is being extremely careful as to where they're going with this.

Bill Vassil – I hope so. The second thing I want to bring up is two weeks ago I mentioned the fact that we had several people on Shurmer that don't care about your ordinances; they do what they want when they want. I think you ought to change your ordinances and stick some teeth into them. We have a car parked in front of – I think it's one...let's see – it's 17363. All last week they had three cars parked there. Now, this morning when I went by they had one car parked there. And then there is the other gentleman who likes to call you, Mayor; he's got a car parked on the grass between the two houses, he has a trailer, and he don't care. Let's change the ordinances or let's make it where you don't do it three times and then you go to jail for ten days or something. We don't want to be like Brunswick, trust me. I can go down a couple roads there and it's the same thing – here, here, here, everywhere. Let's make it look nice, this is our city.

AUDIENCE PARTICIPATION (cont'd):

Mr. Haseley – May I answer part of that for you, Bill?

Bill Vassil – Yes, sir.

Mr. Haseley – That's what I motioned I want to talk to you about. The first address you gave has been summonsed into court. Now, what they do with it, you know, they're the ones that have the laws, but they have been summonsed into court.

Bill Vassil – This'll be the – if they're summonsed again, this'll be the second time.

Mr. Haseley – That's okay, we'll keep doing it.

Bill Vassil – Yeah, but let's put more teeth into it. The first time it's the two hundred and fifty, the next time it's...

Mr. Haseley – We don't control that.

Bill Vassil – Okay, well whatever. Then the court should change it. Somebody should change it.

Mr. Haseley – We are, as a City, and I am, as a Councilman, doing everything I can to clean that situation up.

Bill Vassil – Oh, I understand that. It's just it's aggravating when you drive by it.

Mr. Haseley – I know it.

Bill Vassil – In fact, the Council President has driven by several times and he knows what I'm talking about.

Mr. Gallagher – It is. But we are fortunately or unfortunately stuck with the law, so. When they go to court...

Bill Vassil – Well, let's change the laws then. Isn't that easy?

Unidentified Voice – No.

Bill Vassil – Aw come on, Mayor.

Mr. Gallagher – It's fair and equitable. It reminds me of a time about these pigeons.

Bill Vassil – You don't worry about the pigeons, I took care of the pigeons.

Mr. Gallagher – I know you...

Bill Vassil – Yeah, you don't hear me complaining, do you? Yeah. Ask me what happened.

Mr. DeMio – What happened? What happened?

Unidentified Voice – I don't want to know.

AUDIENCE PARTICIPATION (cont'd):

Bill Vassil – I didn't do anything illegal.

Mr. Haseley – Joe Walker ate (unintelligible) for about three weeks.

Bill Vassil – No, but we had one sitting at Charter Bank. That's one of the ones that used to come over to the house. And all I did was make a little sound and he knew it was me, he flew away. Yeah, I go, (makes sound) and he runs. But...

Mr. Gallagher – So you're well known in the pigeon community.

Bill Vassil – Yes. But at least I didn't kill the ducks like I was told that I did.

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

(No comments)

ORDINANCES AND RESOLUTIONS:

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. 1st rdg: 06-21-10.

Second 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. 1st rdg: 06-21-10. Favorable Recommendation by Planning Commission: 06-24-10.

***Second reading. Referred to Planning, Zoning and Engineering Committee.
Public Hearing set for September 7, 2010.***

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. 1st rdg: 06-21-10. Favorable recommendation by Planning Commission: 06-24-10.

***Second reading. Referred to Planning, Zoning and Engineering Committee.
Public Hearing set for September 7, 2010.***

ORDINANCES AND RESOLUTIONS (cont'd):

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.) 1st rdg: 06-21-10. Favorable recommendation by Planning Commission: 06-24-10.

***Second reading. Referred to Planning, Zoning and Engineering Committee.
Public Hearing set for September 7, 2010.***

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. 1st rdg: 06-21-10.

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.

Resolution No. 2010-100 ADOPTED.

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. 1st rdg: 06-21-10.

Motion by Mr. DeMio, second by Mr. Coyne, to amend by substitution with a revised version of the Ordinance amending Section 6 in the fifth line of the paragraph to remove the word "and" and replace it with the word "or". All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-101 ADOPTED, as amended.

ORDINANCES AND RESOLUTIONS (cont'd):

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. 1st rdg: 06-21-10.

Motion by Mr. DeMio, second by Mr. Coyne, to amend by substitution with a revised version of the Ordinance amending Section 6 in the fifth line of the paragraph to remove the word "and" and replace it with the word "or". All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries. Ordinance No. 2010-102 ADOPTED, as amended.

Ordinance No. 2010-104 by Mayor Perciak and All Members of Council. AN ORDINANCE RATIFYING, APPROVING AND AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT FUNDING ASSISTANCE UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S SAFETY AND CONGESTION PROGRAM IN CONNECTION WITH PHASE II OF THE CITY'S PEARL ROAD WIDENING PROJECT (CUY.-42-0.00 PID 88667), 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. 2010-104 ADOPTED.

Ordinance No. 2010-105 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PAVEMENT RESURFACING OF SHURMER ROAD FOR 2010, 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. 2010-105 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-106 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR IMPROVEMENTS TO VARIOUS STREETS IN THE CITY OF STRONGSVILLE IN CONNECTION WITH THE PAVEMENT REHABILITATION PROGRAM FOR 2010, 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. 2010-106 ADOPTED.

Ordinance No. 2010-107 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR FINANCIAL ASSISTANCE UNDER THE DRUG ABUSE RESISTANCE EDUCATION ("DARE") LAW ENFORCEMENT GRANTS PROGRAM, AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. 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. 2010-107 ADOPTED.

Ordinance No. 2010-108 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL, INC. (NOPEC) FOR FINANCIAL ASSISTANCE IN CONNECTION WITH THE "POWERING OUR COMMUNITIES" GRANT PROGRAM TO INSTALL ENERGY CONSERVATION MEASURES IN CITY FACILITIES, 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. 2010-108 ADOPTED.

Resolution No. 2010-109 by Mr. Dooner A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

First reading. Referred to Finance Committee.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-110 by Mayor Perciak and Mr. Daymut. AN ORDINANCE RATIFYING AND REQUESTING PARTICIPATION IN UNITED STATES GENERAL SERVICES ADMINISTRATION CONTRACTS FOR THE PURCHASE OF SERVICES AND SUPPORT FOR VIDEO PROCESSING AND SURVEILLANCE, FORENSIC AND FRAUD PREVENTION, DATA NETWORK ENGINEERING, AND COMPUTER HARDWARE AND SOFTWARE MAINTENANCE FOR USE BY VARIOUS DEPARTMENTS OF THE CITY; 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. 2010-110 ADOPTED.

Resolution No. 2010-111 by All Members of Council. A RESOLUTION DECLARING THE MONTH OF AUGUST, 2010 AS COUNCIL RECESS MONTH.

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. 2010-111 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

Application for Liquor Permit – TRFO-D1 D2 D6 To: **BMB Ventures, DBA: The Bier Haus**, 17692 Pearl Road, Strongsville, OH 44136; From: Stadium Investments LLC, DBA: Beef O'Bradys, 17692 Pearl Road, Strongsville, OH 44136. (Responses must be postmarked no later than 07/12/2010)

Application for Liquor Permit – NEW-D3 D3A To: **BMB Ventures, DBA: The Bier Haus**, 17692 Pearl Road, Strongsville, OH 44136. (Responses must be postmarked no later than 07/12/2010)

Mr. Gallagher – There are no objections from Police or Building regarding either one of these.

There were no objections by Council to the above applications.

MISCELLANEOUS BUSINESS:

None.

ADJOURNMENT:

There being no further business to come before this Council, President Gallagher adjourned the meeting at 8:47 p.m.

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

July 19, 2010
Date of Approval