

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON DECEMBER 20, 2010.

The Council of the City of Strongsville met in the Caucus Room at the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, on ***Monday, December 20, 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, Building Commissioner Anthony J. Biondillo, Economic Development Manager Brent Painter, Recreation Director Steve Kilo, Human Resources Director Anthony Urankar, Communication and Technology Director John Bedford, Fire Chief Robert Moody and Police Chief Charles Goss.

The following Committees met to review legislation on the agenda:

Finance Committee: Chairman Dooner recommended suspension and adoption for Ordinance 2010-197, making appropriations for the annual expenses and other expenditures of the City for the year 2011. He also recommended suspension and adoption for Ordinance No. 2010-198, authorizing and directing the Mayor to enter into an agreement to provide certain term life insurance and accident coverage to full-time City employees, without public bidding. Law Director Kraus noted that this Ordinance requires a unanimous affirmative vote for passage.

Planning, Zoning and Engineering Committee: Chairman Haseley recommended suspension and adoption for Ordinance No. 2010-199, authorizing the Mayor to accept grants of easement from Pulte Homes of Ohio, LLC for storm water drainage purposes in connection with Schneider Reserve Subdivision, Phase 3. He recommended suspension and adoption for Ordinance No. 2010-200, authorizing the Mayor to enter into a site lease agreement by and between Nextel West Corp., the City of Cleveland and the City of Strongsville for the installation, maintenance, operation and removal of communications equipment and appurtenances on City of Cleveland Water Tower located on City of Strongsville property at 18778 Royalton Road; confirming Planning Commission approval of the final site plan for the construction and installation of twelve wireless antennas and an above-ground equipment cabinet and cement pad on such property; and entering into a settlement agreement with Nextel West Corp. concerning the City's prior lease agreements. Suspension and adoption was recommended for Ordinance No. 2010-201, authorizing and directing the Mayor to enter into Change Order No. 1 (final) for an increase (in the amount of \$44,200.25) in the contract price in accordance with the provisions of the contract between the City of Strongsville and Konstruction King, Inc. in connection with the City's Pavement Rehabilitation Program for 2010. This amount includes changes in the work performed by Konstruction King, Inc. due to additional work requested by the City, as well as reconciling plan quantities to actual field quantities. Suspension and adoption was also the recommendation for Ordinance No. 2010-202, authorizing and directing the Mayor to issue and approve Change Order No. 4 for an additional increase (in the amount of \$76,881.10) in the contract price in accordance with the contract between the City of Strongsville and Fabrizi Trucking and Paving Co., Inc. in connection with the Pearl Road Widening Project. This amount includes further changes in the work performed or to be performed by Fabrizi Trucking and Paving Co., generally being additional work requested by the City, additional work required due to unforeseen conditions, and additional work required due to conflicts with other utilities, such as utility conflicts in connection with water connections and storm sewers.

Public Service and Conservation Committee: Chairman Haseley recommended suspension and adoption for Ordinance No. 2010-203, authorizing the Law Department to enter into an agreed journal entry in settlement to resolve pending litigation concerning PPN 397-09-013 in connection with the Pearl Road Widening Project. He recommended suspension and adoption for Ordinance No. 2010-204, authorizing the Mayor to enter into a contract for the purchase of a used New Holland L125 Skid Steer Loader for use by the Service Department, and for the sale and trade-in of one New Holland L255 Skid Steer Loader, and to have the sale price applied to the purchase price, without public bidding for such sale. Mr. Haseley advised that this Ordinance requires a unanimous affirmative vote for passage. He recommended suspension and adoption for Ordinance No. 2010-205, approving and ratifying the filing of an application on behalf of the City for Ohio Department of Natural Resources Division of Forestry funding for removal and replacement of ash trees within the City. Suspension and adoption was also the recommendation for Resolution No. 2010-206, authorizing the Mayor to advertise for bids for traffic signal/electrical maintenance services for 2011 and 2012 in the City.

Recreation and Community Services Committee: Chairman Gallagher recommended suspension and adoption for Resolution No. 2010-207, authorizing the Mayor to advertise for bids for the purchase of youth sports wearing apparel for use by the Recreation Department.

Economic Development and Technology Committee: Chairman Daymut stated the next Business Network breakfast meeting will be held on Thursday, February 17th. Cuyahoga Community College will sponsor the breakfast and the speaker will be Cuyahoga County Executive-Elect Ed FitzGerald.

Committee of the Whole: President Gallagher recommended suspension and adoption for Ordinance No. 2010-196, a TIF ordinance for Pearl Road. He noted that the schools have been properly notified about the Ordinance. He recommended suspension and adoption for Ordinance Nos. 2010-208, entering into a collective bargaining agreement between the City and Teamsters Local Union No. 52 (Building Inspectors), and 2010-209, entering into a collective bargaining agreement between the City and Teamsters Local Union No. 52 (Service Workers). Suspension and adoption was also the recommendation for Ordinance No. 2010-210, the General Salary Ordinance. Mr. Gallagher remarked that this Ordinance provides for a 2.50% increase in salary for employees for the year 2011, including members of Council, and that he will not be voting on the Ordinance.

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Mr. Gallagher asked if anyone had any questions or comments for the directors. There were no comments. He then asked the directors if they had anything they wished to share with Council. There were no comments.

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Motion was made by Mr. DeMio and seconded by Mr. Dooner to adjourn from open session into executive session [Article XI, Section 9, City Charter] to discuss collective bargaining matters and legal matters with the Law Director. Roll Call: All ayes. Motion carried. Council convened in executive session at 7:42 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Law Director Kraus, and Human Resources Director Urankar. Motion to conclude the Executive Session was made by Mr. DeMio and seconded by Mr. Coyne. All members present voted aye and the motion carried. The executive session concluded at 7:53 p.m.

**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON
DECEMBER 20, 2010 IN THE MIKE KALINICH SR. CITY COUNCIL CHAMBERS**

CALL TO ORDER:

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

Mr. Gallagher – Welcome ladies and gentlemen here in the audience and those at home to the Monday, December 20, 2010 City Council meeting here in the City of Strongsville. Welcome.

CERTIFICATION OF POSTING:

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

ROLL CALL:

Present: Council Members: Mark A. Roth III, Patrick J. Coyne, Joseph C. DeMio, Michael J. Gallagher, Kenneth M. Dooner, Raymond L. Haseley, 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; Anthony J. Biondillo, Building Commissioner; Brent Painter, Economic Development Manager; John Bedford, Communication and Technology Director; Steve Kilo, Recreation 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 December 6, 2010 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

Mayor's appointment and confirmation of Stephen F. Kilo as Human Resources Director to fill the vacancy (due to resignation) effective January 8, 2011.

Motion was made by Mr. DeMio and seconded by Mr. Dooner to confirm the Mayor's appointment of Stephen F. Kilo as Human Resources Director.

Roll Call: Ayes: Coyne, DeMio, Gallagher, Dooner, Haseley, Daymut.

Nays: Roth.

Motion carries.

Mayor Perciak – Thank you, Mr. President. Congratulations, Mr. Kilo; just going to kind of transition you over; for the record, he is still going to help us with the Rec Center yet for awhile until such time that a new Rec Director is appointed. Steve has agreed to help us search for this new Rec Director, but it was important that we fill this vacancy of Human Resource Director as soon as we can. So thank you, Steve, thank you for taking on the challenge. As most of you know, Steve has spent most of his career here in the City of Strongsville, but we are going to tap into Steve's other talents. Most people don't know that Steve is a practicing lawyer and it is now time for him to put those talents to work for the City.

APPOINTMENTS AND CONFIRMATIONS (cont'd):

Mayor Perciak (cont'd) - So we hope that you don't need any refresher courses and we want to make sure that you're ready to go. And I also would like to thank Tony Urankar for his two years of service here in the City of Strongsville. Tony is moving on to greener pastures and we wish you well and wish your family well.

Mayor's re-appointment of Eve J. Hawk and Timothy Huffman to three (3) year terms on the City's Town Center Commission effective December 21, 2010 and expiring December 20, 2013.

At this time the Mayor announced his reappointment of Eve J. Hawk and Timothy Huffman to three years terms on the Town Center Commission, effective December 21, 2010.

Motion by Mr. DeMio, second by Mr. Coyne to confirm the Mayor's reappointments to the Town Center Commission.

Mr. Kraus – Mr. President. Mr. DeMio, under that section of the Code, those are really the Mayor's appointments, no confirmation of Council is necessary.

Mr. DeMio – I'll withdraw the motion.

Mr. Gallagher – Thank you.

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just a point of clarification, just for Mr. Kilo's sake. He's a fantastic gentleman, he's done a great job as a Rec Director, and my vote – no vote, was nothing personal, it had to do with the position itself.

Mr. Gallagher – Thank you.

Mayor Perciak – Mr. Gallagher, Mr. President – I'll call you that as many times as I can this evening – but I think it's time for you to come down here, I think the Administration and your colleagues would like to recognize you this evening, so come on down.

Mr. Haseley – Do you need a hankie?

Mr. Gallagher – No.

Mayor Perciak – Okay, Michael, come on over here. Everybody's here from Michael's family – Michael's mom and dad are here, Michael's wife, Michael's sisters; all the Gallaghers, stand up.

(Applause)

Mr. Gallagher – And my extended family, Anita Baumgartner and Kathy Donahue.

Mayor Perciak – Sandy, come on up here, stand next to your sweetie over here. I have a Proclamation here that's been put together and I want to read it in its entirety because I think it's appropriate for Michael this evening.

APPOINTMENTS AND CONFIRMATIONS (cont'd):

At this time, Mayor Perciak read in its entirety a Proclamation from the Mayor and All Members of Council thanking Michael J. Gallagher for his service to the City of Strongsville and wishing him well in his new position as District 5 Councilmember for the new Cuyahoga County Council. The Mayor then presented Mr. Gallagher with a framed Proclamation. (A copy of the text of the Proclamation is attached to the original transcript of the Minutes)

Mayor Perciak – Congratulations.

Mr. Gallagher – Thank you. Thank you very much, Mayor and my colleagues, I appreciate it. Well, we have business to do, so shall we.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher: There was no meeting, so I was not in attendance and there will be no report.

SCHOOL BOARD – Mr. Roth: Thank you Mr. Gallagher. There was a meeting on December 9th and again the High School Soccer Team, State Semifinalists, was honored individually and the Girls' Cross Country Team was also honored – Natalie Camardo, Catherine Connolly, Pauline Hage, Jaime Larsen, Andrea McArdle, Alyssa Moran, Sarah Torok and Elizabeth Erdelac – and they were given recognitions for their achievements. That's it.

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

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: Before Recreation this evening we have Resolution 2010-207 and that is a Resolution to allow the Mayor to advertise for bids for the purchase of youth sportswear apparel for the coming year; recommendation is suspension and adoption. I will take any other questions.

(No questions)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you, Mr. Gallagher. First on tonight's docket for Public Service is Ordinance 2010-203 authorizing the Law Department to enter into an agreed journal entry and settlement to resolve pending litigation concerning the Pearl Road Widening and Tarris property, recommendation is to suspend and adopt. 2010-204 authorizes the Mayor to enter into a contract for the purchase of a used New Holland Skid Steer Loader for use by the City Service Department and for the sale and trade-in of one New Holland Skid Steer Loader, to have the sale price applied to the purchase price, without public bidding for such sale, and declaring an emergency, and we need all seven votes. Ordinance 2010-205, an Ordinance approving and ratifying the filing of an application on behalf of the City of Strongsville for the Ohio Department of Natural Resources Division of Forestry funding for removal and replacement of ash trees, who are, as most people know, loaded with the Emerald Ash Borer, within the City of Strongsville and declaring an emergency; recommendation is suspend and adopt. This is in the amount of \$35,000 for removal and replacement. And lastly, 2010-206, a Resolution authorizing the Mayor to advertise for bids for traffic signal and electrical maintenance services for 2011 and 2012 in the City of Strongsville; recommendation is to suspend and adopt. That's all I have under Public Service. Thank you.

REPORTS OF COUNCIL COMMITTEES (cont'd):

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

(None)

PUBLIC SAFETY AND Health – Mr. DeMio: Mr. Gallagher, thank you. Believe it or not, this Committee has no resolutions, no ordinances, there was no discussion in back about any issues, so I will, therefore, close the Committee.

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

(None)

PLANNING, ZONING AND ENGINEERING – Mr. Haseley: Thank you, Mr. Gallagher. Under Planning, Zoning and Engineering, Ordinance Number 2010-199 authorizes the Mayor to accept grants of easement from Pulte Homes for storm water drainage purposes in connection with Schneider Reserve Subdivision, Phase 3, and declaring an emergency; recommendation is to suspend and adopt. Ordinance 2010-200, an Ordinance authorizing the Mayor to enter into a site lease agreement by and between Nextel West Corporation, the City of Cleveland and the City of Strongsville for the installation, maintenance, operation and removal of communications equipment and appurtenances on the City of Cleveland Water Tower located in the City of Strongsville; recommendation is to suspend and adopt. Ordinance 2010-201 authorizes and directs the Mayor to enter into a Change Order Number 1, Final, for an increase in the contract price in accordance with the provisions of the contract between the City of Strongsville and Konstruction King in connection with the City's Pavement Rehab Program for 2010; recommendation is to suspend and adopt. And lastly, Ordinance 2010-202, authorizing and directing the Mayor to issue and approve Change Order No. 4 for an additional increase in the contract price in accordance with the provisions of the contract between the City of Strongsville and Fabrizi Trucking and Paving Company in connection with the Pearl Road Widening; recommendation there is to suspend and adopt. That concludes my report; I will answer any questions if there are any.

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

(None)

FINANCE - Mr. Dooner: Thank you, Mr. Gallagher. The Finance Committee has before it this evening Ordinance 2010-197, this is an Ordinance making appropriations for the annual expenses and other expenditures of the City of Strongsville for the year 2011, recommendation is suspension and adoption; and then we also have Ordinance 2010-198, this is an Ordinance authorizing and directing the Mayor to enter into an agreement to provide certain term life insurance and accident coverage to full-time City employees, recommendation is suspension and adoption and we need all seven for this Ordinance. That concludes my report, Mr. Gallagher.

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

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: Thank you, Mr. Gallagher. We have no ordinances or resolutions on this evening's agenda. As previously announced, our breakfast meeting will take place February 17th. Again, I'd like to thank the sponsor of that particular breakfast meeting, that would be Cuyahoga Community College. And I have an announcement that our featured speaker will be Cuyahoga County Executive-Elect Ed FitzGerald. Mr. Gallagher, we would be very proud if you would honor us at that particular breakfast as our new County Council District 5 representative.

Mr. Gallagher – Absolutely.

Mr. Daymut - That's all I have this evening, Mr. Gallagher.

Mr. Gallagher – I am attending.

Mr. Daymut - Thank you very much.

Mr. Gallagher – Questions for Mr. Daymut?

(None)

BUILDING AND UTILITIES – Mr. Gallagher: There is no legislation.

COMMITTEE OF THE WHOLE – Mr. Gallagher: We have three items this evening: Ordinance 2010-196, which was a TIF Ordinance, recommendation is suspension and adoption; everything has been squared away with the Schools, so we should be good to go on that one. Ordinance 2010-208, which is authorizing the Mayor to enter into a collective bargaining agreement with the Teamsters Local Union 52, the Service Workers, recommendation is suspension and adoption. Ordinance 2010-209 also authorizes the Mayor to enter into a collective bargaining agreement with Local Teamsters Union Number 52, Building Inspectors, recommendation is suspension and adoption. And lastly is our General Salary Ordinance, 2010-210, for the City of Strongsville for this coming year, recommendation is suspension and adoption. I will take any questions.

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

Mayor Perciak – Thank you, Mr. President. Again, I just would like to thank you for your eleven years of service to the City of Strongsville, we appreciate all you've done. And mom and dad, we appreciate you being here to rally behind your son and, once again, to Sandy and the sisters, it's nice that you're all here for Michael's last meeting as Council President. So, thank you to all of you for being the support to Michael and being there for him. I'm sure you're very proud of him, I'm sure we – the community of Strongsville are proud of Michael's latest accomplishments as he moves on to County Council.

And lastly, Mr. President, if I may, on behalf of all of us here – City Council, the Administration, myself, my family, I'd like to extend to each and every one of you a very Merry Christmas, a blessed Christmas and a happy, healthy, prosperous New Year. End of my report, Mr. President.

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

Mr. Gallagher – Thank you, Mayor. Thank you for those kind words. No questions for the Mayor?

(No comments)

FINANCE DEPARTMENT - Mr. Dubovec: Thank you, Mr. President. Mr. Batke couldn't be here tonight, so I guess you are stuck with me.

Mr. Gallagher – It must have been his plane in Italy couldn't get out.

Mr. Dubovec – So with that, I'll say funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funds. Thank you.

Mr. Gallagher – Questions for Mr. Dubovec?

(None)

LAW DEPARTMENT – Mr. Kraus: Thank you, Mr. President. I would like to report that last Friday I attended a conference in Common Pleas Court before Judge Pokorny with respect to some discovery and scheduling issues concerning the storm water litigation – that's the litigation challenging the legality of the proposed storm water plan and fee the Sewer District has proposed. I do want to assure the public and this Council that our Law Department is expending substantial resources and efforts to continue, along with at least a dozen other communities, our challenge to that proposed program.

I would also 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?

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Yes, Mr. Kraus, if you can forward to me that information I asked about in the City Charter where -- giving your opinion on unanimous decisions by Council. Because like today in the agenda we have several ordinances that need seven for approval and we've had many times in the past with one or two councilmen not being in – absent from the situation. And really, unanimous is unanimous, whether it's five for five or six for six. And I really felt that we cut off abruptly the applications for Ward 4 and should have went to the end of the year, at least through the holidays. And, like I said, today we're voting, you know, and we've done many times in the past, we've had six members here and we voted six for six and that was a unanimous decision. So, I would like to see where you see that in the Charter, please.

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

Mr. Kraus – Mr. President. Councilman Roth, I would be happy to deliver that information to you, but you've also raised another issue and certainly our Search Committee that I met with on at least two occasions with respect to filling Council President Gallagher's vacancy has proceeded in a manner that, in my opinion, is entirely within the parameters of the Charter and ordinances of the City, and I want to assure both this Council and the public that that's how the Search Committee and this Council has proceeded. As to the first issue, I'll be happy to forward the information to you and also to sit down with you at a time convenient to you. Thank you.

Mr. DeMio – I was going to do it at the – I can do it now, if you wish.

Mr. Gallagher – Yeah, why don't you do that, Joe. Mr. DeMio.

Mr. DeMio – Thank you, Mr. Gallagher. We did get into the Ward 4 vacancy that many of us are sad that you're going, Mike, but be that as it may, we advertised -- the Committee -- Mike Daymut, Mr. Dooner and myself -- agreed that we thought the cutoff should have been I believe I week ago and we advertised in three different publications, which is the most we've ever done and we received six applicants. I did get an a additional call, I think some other folks got some calls about keeping it open, but we fulfilled the obligation based on what the Law Director said and the wishes of the Committee. I know that there has been some concern and we will field any questions from Mark or anyone else on that, but to make it official, we did do that. We did also note, and it was part of the additional minutes from the other day, is that if anyone filed via mail and it was stamped the day of closing that we would accept that application as well. And Leslie told me she would get back to me if there were any other applications in the mail. And, Leslie, for the record, was there any additional...

Ms. Seefried – No, there weren't.

Mr. DeMio – So, our Committee will meet to go over what we believe would be a proper schedule for the interviews. And if Mark wants to bring an issue up as well, we do want to make sure we listen to everybody on Council, as we always have, and work from there. I ask all of Council to get with Leslie, give her their personal schedules for the next couple weeks so we can address the applicants that have fulfilled interest in this Committee. The other thing we talked about in the minutes, we will verify that they are electors, that they can vote and they're registered and they are within the district of Ward 4 so we don't waste their time nor do we waste our time, so, and we believe everyone is in good standing, but Leslie will do that. So that would be it. Mr. Dooner, does that about sum it up, as long as I was on that?

Mr. Dooner – Yes it does, Mr. DeMio.

Mr. DeMio – Mr. Daymut?

Mr. Daymut – (Inaudible)

Mr. DeMio – Okay, thank you.

Mr. Gallagher – Thank you, gentlemen. Anything further for Mr. Kraus? Questions for Mr. Kraus?

(None)

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the portion of our evening where we have audience participation, probably one of our more favorite portions of the evening. And I was worried when I looked out there and there was no one signed in and Mr. Vassil was nowhere to be seen, probably out feeding the reindeer or, more likely, the (unintelligible) deer.

Mr. DeMio – Mr. Gallagher.

Mr. Gallagher – Mr. DeMio.

Mr. DeMio – I would like your entire family to come up and tell a personal story about you.

Mr. Gallagher – Like you said, Joe, they're not electors of Strongsville.

Mr. DeMio – Well, Sandy is, so maybe she'll be...

Mr. Gallagher – But anyhow, we welcome your comments. And there is no one signed in, but that does not preclude you from giving us an earful. Mr. Vassil, for, unfortunately, my last time.

Bill Vassil – So nice to see you again.

Mr. Gallagher – Your address, please?

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. It's been a long time coming, Ike.

Mr. Gallagher – You had some time to think about this one.

Bill Vassil - You know the old ballad – bal – never mind. The old barracks song, 'Old Soldiers Never Fade Away', you know, whatever that was that General MacArthur said. It's like you – you always turn up somewhere. And, you know, I know you're going into a situation – heh – that you're going to love – heh, heh, heh – and you'll be able to go to breakfast more often. And, you know, it would be nice. And we're going to miss you – ha. But really, seriously, you've been a good friend and we tried real hard to get you elected, we wanted you out of here, so it – it – it's the way things go. Good luck. Don't get yourself in trouble down there – I mean up there or wherever the hell it is, but enjoy yourself.

Mr. Gallagher – Thank you, Mr. Vassil.

Mr. DeMio – (Inaudible).

Mr. Gallagher – Joe, your microphone, Joe. Joe, your microphone.

Bill Vassil – Am I going to go to the meetings? I sure am.

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

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2010-196 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIREING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, ALL PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
1st rdg: 12-06-10.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-196 ADOPTED.

Ordinance No. 2010-197 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2011.

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

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

Roll Call: Ayes: Haseley, Daymut, Coyne, DeMio, Gallagher, Dooner.

Nays: Roth.

Motion carries.

Ordinance No. 2010-197 ADOPTED.

Ordinance No. 2010-198 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE CERTAIN TERM LIFE INSURANCE AND ACCIDENT COVERAGE TO FULL-TIME CITY EMPLOYEES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-198 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-199 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FROM PULTE HOMES OF OHIO, LLC FOR STORM WATER DRAINAGE PURPOSES IN CONNECTION WITH SCHNEIDER RESERVE SUBDIVISION, PHASE 3, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-199 ADOPTED.

Ordinance No. 2010-200 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SITE LEASE AGREEMENT BY AND BETWEEN NEXTEL WEST CORP., THE CITY OF CLEVELAND AND THE CITY OF STRONGSVILLE FOR THE INSTALLATION, MAINTENANCE, OPERATION AND REMOVAL OF COMMUNICATIONS EQUIPMENT AND APPURTENANCES ON THE CITY OF CLEVELAND WATER TOWER LOCATED ON CITY OF STRONGSVILLE PROPERTY AT 18778 ROYALTON ROAD; CONFIRMING PLANNING COMMISSION APPROVAL OF THE FINAL SITE PLAN FOR THE CONSTRUCTION AND INSTALLATION OF TWELVE (12) WIRELESS ANTENNAS AND AN ABOVE-GROUND EQUIPMENT CABINET AND CEMENT PAD ON SUCH PROPERTY; ENTERING INTO A SETTLEMENT WITH NEXTEL WEST CORP. CONCERNING THE CITY'S PRIOR LEASE AGREEMENTS; AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-200 ADOPTED.

Ordinance No. 2010-201 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CHANGE ORDER NO. 1 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND KONSTRUCTION KING, INC., IN CONNECTION WITH THE CITY'S 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. Dooner. All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-201 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-202 by Mr. Haseley. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 4 FOR AN ADDITIONAL 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. Dooner. All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-202 ADOPTED.

Ordinance No. 2010-203 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 CONCERNING PPN 397-09-013 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. Dooner. All members present voted aye and the motion carried.

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-203 ADOPTED.

Ordinance No. 2010-204 by Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A USED NEW HOLLAND L125 SKID STEER LOADER FOR USE BY THE CITY SERVICE DEPARTMENT, AND FOR THE SALE AND TRADE-IN OF ONE NEW HOLLAND L255 SKID STEER LOADER, AND TO HAVE THE SALE PRICE APPLIED TO THE PURCHASE PRICE, WITHOUT PUBLIC BIDDING FOR SUCH SALE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-204 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-205 by Mayor Perciak and Mr. Haseley. AN ORDINANCE APPROVING AND RATIFYING THE FILING OF AN APPLICATION ON BEHALF OF THE CITY OF STRONGSVILLE FOR OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF FORESTRY FUNDING FOR REMOVAL AND REPLACEMENT OF ASH TREES WITHIN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-205 ADOPTED.

Resolution No. 2010-206 by Mr. Haseley. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR TRAFFIC SIGNAL/ELECTRICAL MAINTENANCE SERVICES FOR 2011 AND 2012 IN THE CITY OF STRONGSVILLE.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-206 ADOPTED.

Resolution No. 2010-207 by Mr. Gallagher. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF YOUTH SPORTS WEARING APPAREL FOR USE BY THE RECREATION DEPARTMENT OF THE CIYT OF STRONGSVILLE.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2010-207 ADOPTED.

Ordinance No. 2010-208 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 52 (SERVICE WORKERS), AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AND THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-208 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2010-209 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 52 (BUILDING INSPECTORS), AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AND THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2010-209 ADOPTED.

Ordinance No. 2010-210 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO ABOLISH THE POSITION OF PURCHASING AND CONTRACTING ADMINISTRATOR/COORDINATOR UNDER GENERAL ADMINISTRATION (5-017); TO ENACT NEW SECTION 5-154 IN ORDER TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION OF THE POSITION OF QUARTERMASTER IN THE DEPARTMENT OF PUBLIC SAFETY (POLICE DEPARTMENT); TO ABOLISH THE POSITIONS OF CUSTODIAL WORKER (5-165) AND HYDRANT REPAIRPERSON (5-170) WITHIN THE DEPARTMENT OF PUBLIC SERVICE; TO ENACT NEW SECTION 5-186 IN ORDER TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION FOR THE POSITION OF ASSISTANT PUBLIC SERVICE DIRECTOR IN THE DEPARTMENT OF PUBLIC SERVICE; TO ADJUST THE PAY RANGES FOR CERTAIN POSITIONS; TO AMEND SECTIONS 6-003, 9-003, 9-004, 9-006, 9-007 AND 9-009 TO AMEND CERTAIN PROVISIONS CONCERNING SALARY AND HOURLY PAY RANGE SCHEDULES; TO FIX THE COMPENSATION OF CERTAIN SALARIED AND HOURLY EMPLOYEES; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

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

Roll Call: Ayes: Dooner, Haseley, Daymut, Coyne, DeMio.

Nays: Roth.

Abstain: Gallagher.

Motion carries.

Ordinance No. 2010-210 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

Application for Liquor Permit – NEW- -D5 To: S&P Strongsville LLC, DBA B Spot Strongsville, 18066 Royalton Road, Strongsville, OH 44136 (Responses must be postmarked no later than 12/27/2010).

No objections.

COMMUNICATIONS, PETITIONS AND CLAIMS (cont'd):

Application for Liquor Permit – STCK- -D5-D6-To: Melron, Inc., DBA Mulligan's Bar & Grille, , 20880-84 Royaltan Road, Strongsville, OH 44149 (Responses must be postmarked no later than 12/27/2010).

No objections.

MISCELLANEOUS BUSINESS:

Motion of Council to accept the written and formal resignation of Ward 4 Councilmember Michael J. Gallagher for the term ending December 31, 2011, to be effective at the close of business on December 31, 2010. (A copy of Mr. Gallagher's letter of resignation is attached to the original transcript of the Minutes)

Mr. Gallagher – I would like to read into the record, dated December 20, 2010: 'Dear Fellow Members of Council: Due to my election as a member of the new Cuyahoga County Council, I hereby tender my resignation from the City of Strongsville City Council as the Ward 4 Councilman to be effective at the close of business on Friday, December 31, 2010. I have greatly enjoyed the opportunity to serve my constituents in the Strongsville community during the past eleven years and as President of Council for almost three years. It has been a pleasure to work with my colleagues on Council for the betterment of the City, along with the late Mayor Ehrnfelt, Acting Mayor Haseley, and especially Mayor Tom Perciak, as well as the entire Administration. My best wishes to all of you, Mayor Perciak and the City of Strongsville for continued success in realizing the vision for the future. If I can ever be of assistance in my new role with the County Council, please do not hesitate to call me. Sincerely, Michael J. Gallagher'. I need a motion.

Mr. DeMio – I will sadly make the motion to accept your resignation, effective 12/31/2010 – December 31, 2010. I believe the close of business would be midnight, but officially it's five p.m., so. Mike, we're going to miss you, so, so moved.

Mr. Dooner – Second.

Mr. Haseley – Second.

Mr. Coyne – Second.

Mr. Gallagher – Motion by Mr. DeMio, seconded by Mr. Dooner and a slew of others. Call the roll, please.

Roll Call: Ayes: Haseley, Daymut, Coyne, Roth, DeMio, Dooner.
Nays: None.
Not Voting: Gallagher.
Motion carries.

Mr. Gallagher – I really would like to thank everyone; I will miss you all.

(Applause)

Mr. Gallagher – But in keeping with who I really am, I have an old Irish prayer I'd like to leave you with: 'May those who love us love us. And those who don't love us, may God turn their hearts. And if He doesn't turn their hearts, may He turn their ankles so we'll know them by their limps.' I hope to not see too many limps in Strongsville in the coming years. I will take my time with each one of you to personally thank you, I don't want to do that here.

MISCELLANEOUS BUSINESS (cont'd):

Mr. Gallagher (cont'd): But I couldn't think – Joe, I wanted the Man in Black to take me out, but I couldn't find anything appropriate. But I thought this would do it. Thank you all. Thank you all.

(A Wonderful World, sung by Louis Armstrong plays over the PA system)

(Standing ovation)

ADJOURNMENT:

There being no further business to come before this Council, President Gallagher adjourned the meeting at 8:51 p.m.

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

January 3, 2011
Date of Approval