

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON FEBRUARY 17, 2009.**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on Tuesday, February 17, 2009 at 7:15 p.m.

Present: Council Members: Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley and Mark A. Roth. Also Present: Council Office Assistant Aimee Pientka. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Donald C. Batke, Service Director Joseph M. Walker, City Engineer Ken Mikula, Economic Development Director Eugene P. Magocky, Recreation Director Stephen F. Kilo, Human Resources Director Anthony Urankar, Police Chief Charles Goss, and Fire Chief Robert Moody.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering: Chairman Coyne recommended that Ordinance No. 2009-014, "Repealing existing Chapter 1246 and enacting a new Chapter 1246 of the Planning and Zoning Code of the Codified Ordinances", be placed on second reading this evening and have a public hearing set for April 6, 2009. Chairman Coyne also recommended that Ordinance No. 2009-032, "appropriating a sanitary sewer easement and temporary work easement located at 12718 Webster Road", be put up for suspension and adoption.

Mr. Daymut advised the Council that he did not support this Ordinance. He stated that there is an elderly couple living at that address and they are suffering from grave medical issues. Mr. Daymut would like a resolution to this problem instead of taking this couple to court. Ken Kraus stated the city has made every effort to no avail and that the homeowner's are not responsive. This has left the city no choice. He also stated that the city and representatives from O.R. Colon & Associates have been sensitive to the homeowner's and nature of approach. This Ordinance is the last resort. Mayor Perciak commented he was concerned about the timeline because of the stimulus that was awarded to the city by Governor Strickland for this project and that he did not want to fall out of the timeline restrictions. It was decided to put this Ordinance on first reading and Mr. Coyne and Mr. Daymut would speak to the homeowner's and try to resolve the situation. Ken Mikula stated if Mr. Daymut did set up a meeting with the homeowner, he would like a representative from his department there. Ken Kraus suggested another alternative to pass the Ordinance tonight and have litigation put off until Mr. Daymut and Mr. Coyne have a chance to speak to them.

Finance Committee: Chairman Dooner recommended suspension and adoption this evening for bond ordinances, 2009-030 and 2009-031.

Public Service and Conservation Committee: Chairman Haseley recommended suspension and adoption for Ordinance 2009-033 for the purchase, of a New Holland backhoe loader for the Service Department and for the sale of a John Deere tractor. Ordinance 2009-034 for the transfer of certain certificates for burial rights in the Strongsville Municipal Cemetery was recommended for suspension and adoption.

Recreation and Community Services Committee: Chairman Gallagher recommended Ordinance No. 2009-035 regarding funding for the city's Lunn Rd. football and little league fields be placed on first reading.

### **CAUCUS DISCUSSION (Cont'd):**

Economic Development and Technology Committee: Chairman Daymut stated the surveys are out and that we are getting positive response feedback. He suggested to Mayor Perciak that the results could be announced at the Mayor's State of the City address. Mr. Daymut also advised of the Economic Development and Technology Committee meeting this Monday, February 23, 2009 in the Caucus room.

Committee-of-the-Whole: Councilman Gallagher stated that Ordinance 2009-036 regarding abolishing the city's position of Internal Control and Accounting Specialist will be discussed in executive session. Councilman Gallagher also recommended that Ordinance 2009-037 regarding donations from the Historical Society be suspended and adopted. Councilman Haseley moved, seconded by Councilman DeMio, to adjourn from open session into executive session [Article XI, Section 9, City Charter] for the purpose of discussing personnel matters and the acquisition of private property for public purpose. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:37 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Law Director Kraus and Finance Director Batke. Motion was made by Councilman Demio, seconded by Councilman Roth, and unanimously approved to conclude the Executive Session at 7:58 p.m.

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### **MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON FEBRUARY 17, 2009 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE COMMUNICATIONS CENTER**

#### **CALL TO ORDER:**

The meeting was called to order at 8:04 p.m. by the President of Council, Michael J. Gallagher. All joined in the Pledge of Allegiance to the Flag.

#### **CERTIFICATION OF POSTING:**

The Assistant 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: Aimee Pientka, Council Office Assistant. **Administration:** Thomas P. Perciak, Mayor; Kenneth A. Kraus, Law Director; Donald C. Batke, Finance Director; Joseph M. Walker, Service Director; Eugene P. Magocky, Economic Development Director; Charles Goss, Chief of Police; Robert Moody, Chief of Fire; Ken Mikula, City Engineer; Anthony Urankar, Human Resources Director; and Steve Kilo, Recreation Director.

#### **COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting of February 2, 2009 were approved as submitted.

## **APPOINTMENTS AND CONFIRMATIONS**

Mayor's reappointment of **Richard D. Baldin** to a four (4) year term on the City's Board of Zoning Appeals effective February 17, 2009 and expiring February 17, 2013.

***Motion made by Mr. DeMio, seconded by Mr. Coyne to confirm the Mayor's appointment of Richard D. Baldin to the Board of Zoning Appeals.***

***Roll Call: All ayes. Motion carried.***

Mayor's reappointment of **Dr. Glenn Goist** to a four (4) year term on the City's Board of Zoning Appeals effective March 15, 2009 and expiring March 15, 2013.

***Motion made by Mr. DeMio, seconded by Mr. Coyne to confirm the Mayor's appointment of Dr. Glenn Goist to the Board of Zoning Appeals.***

***Roll Call: All ayes. Motion carried.***

Mayor's reappointment of **Celia McGrath** to a four (4) year term on the City's Board of Zoning Appeals effective March 15, 2009 and expiring March 15, 2013.

***Motion made by Mr. DeMio, seconded by Mr. Coyne to confirm the Mayor's appointment of Celia McGrath to the Board of Zoning Appeals.***

***Roll Call: All ayes. Motion carried.***

***At this time, Mayor Perciak administered the Oath of Office to Celia McGrath and Dr. Glenn Goist as members of the City of Strongsville Board of Zoning Appeals.***

## **PUBLIC HEARING**

**Ordinance No. 2008-244.** AN ORDINANCE ENACTING A NEW SECTION 1252.36 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN CONNECTION WITH THE SALE OF FIREARMS IN RESIDENTIAL DISTRICTS. 1<sup>st</sup> rdg: 12-01-08. Favorable recommendation by Planning Commission 12-18-08. 2<sup>nd</sup> rdg: 01-05-09. Public Hearing: 02-17-08.

President Gallagher – I'll open the public hearing for any of those individuals in the audience wishing to speak in favor of this ordinance if you would approach the podium.

(None)

**PUBLIC HEARING (cont'd):**

Mr. Gallagher (cont'd): - Any individuals wishing to speak opposing the ordinance?

(None)

Hearing no comments in regard to Ordinance No. 2008-244, President Gallagher declared the public hearing on said Ordinance closed.

**REPORTS OF COUNCIL COMMITTEES;**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth:** I'll be attending February 21<sup>st</sup>, my first meeting at the hospital in many a moon. Like I said, it's going to be interesting. The last time I was at a hospital meeting was maybe twelve years ago. The players have changed for sure.

Mr. Gallagher – They have.

Mr. Roth – I'll give a report when I'm there. That will be forthcoming.

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

(None)

**SCHOOL BOARD – Mr. Roth:** I'll be attending that meeting February 19<sup>th</sup>, this Thursday. Report will be forthcoming after the meeting. That's it.

Mr. Gallagher – Any questions for Mr. Roth?

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** Ordinance 2009-035, recommendation is suspension and adoption-that's all legislation for our Recreation and Community Services. This evening I would defer the rest of my time- in the audience we have Mr. Uher who is the Director of the Strongsville Youth Commission. With Mr. Uher is Neil Brodnik, one of the members this year of the Strongsville Youth Commission. He is a senior at Strongsville High School and he's going to give us a report on the organization this year. Neil-welcome.

Mr. Brodnik – Thank you.

Mr. Gallagher – Give us your name and address for the record.

Mr. Brodnik – My name is Neil Brodnik. My address is 19534 Castletown Drive, Strongsville, OH 44136. Good evening everyone. I would like to thank Councilman Gallagher and the Mayor for letting me be here tonight to speak in front of you all. I'm here on behalf of the Strongsville Youth Commission as you have heard. We are a group of high school students who volunteer and do various community service activities throughout the city.

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

Mr. Brodnik (cont'd): - This year, we created a new-we started a new pilot program in which...for the first half of the year, we divided up into four groups. For the second half-this coming half of the year- we are going to work as an entire commission on one large project. So, for the first half of the year, the four groups that we were in were called Outreach to Humanity, Refugee Aide, Education, and...I'm drawing a blank-

Mr. Uher – Environment

Mr. Brodnik – Yes, Environmental Aide. Each of the four groups had their own pilot projects that they commissioned and ran. The Outreach for Humanity group which was the group that I was a member of-we actually continued a project that we had started last year which was we ran a pop tab recycling program in the elementary schools which was very interesting and successful. We had a large number of pop tabs. We're actually still collecting and weighing them and they're going to be delivered to the Ronald McDonald house in the coming weeks. The Education group ran a drive for that they called pennies for peace which was a penny drive that they held at Chapman Elementary in particular. They raised over, I want to say over ten thousand pennies which was... it was a lot more than anyone had expected. For awhile, for many weeks actually they had the pennies sitting in one of the members basements because no one was willing to count them because there was so many. Finally they- one of the other members parent's was part of the local banks. They agreed to count all the pennies and it was well over a thousand dollars which was very impressive. They had a very successful year. The third group- Refugee Aide ran a coat drive for the catholic charities portion of Refugee Aide for the U.S. and particularly this local area. They had actually two refugees from Myanmar come in and speak to us about what life as a refugee is like. It was very eye opening to say the least. I mean, it was very hard to understand because being straight out of Myanmar they spoke very little English and the English they spoke was broken. Just getting a glimpse what it was like- what it's like to be a displaced person or a refugee or a victim of war was very eye opening. The last group- the Environmental group- they held a green day at the Rec. Center in which they had a bunch of vendors come and they sold environmentally friendly products and taught the citizens of Strongsville and the surrounding area about how to be-how to live in an environmentally friendly manner. The other thing that we did as a group during this first half of the year was Councilman Gallagher's Ward 4 food drive which was also a very successful project. With that half of the year done, in this next half of the year as a large group we are running two main projects. Those two projects are the senior citizen prom and an international refugee soccer game. The senior citizen prom is something that we've done every year for the past six or seven years now. Is it Mr. Uher?

Mr. Uher – Yes.

Mr. Brodnik – It's been quite awhile and it's very popular with the seniors in the surrounding areas and many of them tell their friends about it so we seem to get more and more every year which is nice. We do a whole slew of things for these seniors. We have a big party in the event center. We book a DJ. Last year we had taro card reading, a sketch artist, all sorts of food, centerpieces, prizes, a raffle, a nominating of king and queen. The whole schpeel. It was a lot of fun last year and we're hoping it will be just as exciting this year. The second event is the international soccer game which is- the old Director of the SYC. - Mr. Dobie Moser-well Dr. Dobie Moser now-but, he was friends with many of the refugee's that came to this area because he was very active in that aspect of refugee aide. One of his friends name is Awath.

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

Mr. Brodnik (cont'd): - Awath has a large network of friends throughout all Ohio who love to play soccer. Every year, we rent a field down at Foltz field and all SYC members and we invite anyone else who is willing to come. We post up fliers every year and people always come and all of these refugees- we all come and play a giant game of soccer. It's always great fun...and that would be all that we are doing for this year. Thank you all for letting me speak and thank you for supporting our program.

Mr. Gallagher – Thank you Neil. Every year I'm just more and more amazed how this little group that started years ago has blossomed out. I know Mr. Coyne's wife Jackie was a mentor for a few years- his son was in it. You have truly touched many people in this city and I'm so proud of you.

Mr. Brodnik – Thank you.

Mr. Gallagher – Thank you.

(Applause)

**PUBLIC SERVICE AND CONSERVATION – Mr.Haseley:** -Thank you Mr. Gallagher. Tonight's docket includes Ordinance 2009-033 which is an ordinance authorizing the Mayor to enter into a contract for a new backhoe loader for the Service Department- trading in a far lesser one which is no longer needed. The recommendation is to suspend and adopt. Resolution 2009-034 is a simple transfer for certificates for burial rights. Recommendation there is to suspended and adopt also. That concludes my report. I'll be glad to answer any questions if there are any.

Mr. Gallagher –Questions for Mr. Haseley?

(None)

**PUBLIC SAFETY AND HEALTH – Mr. DeMio:** Thank you, Mr. Gallagher. There is nothing before the docket of this committee. We did not see fit to have a committee this week. Next week, or next council meeting are going to allow about fifteen minutes before to twenty minutes before the next council meeting-if Aimee could docket that and put that on the agenda. I'll be talking to the Mayor and the two Chiefs if there is anything of significance to share with council as well as the resident's of Strongsville. I will close the committee unless there is anyone who would like to have any questions asked?

Mr. Gallagher – Questions for Mr. DeMio?

(None)

**PLANNING, ZONING AND ENGINEERING –Coyne:** Thank you Mr. Gallagher. The Planning, Zoning and Engineering committee met this evening. We're going to place Ordinance 2009-014 on second reading and that has a public hearing to be scheduled on April 6, 2009. Ordinance 2009-013 is enacting codified ordinances concerning our Architectural Review Board. It received a favorable recommendation from Planning Commission. We also have on the agenda Ordinance 2009-032 regarding a sanitary sewer easement over on 12718 Webster Rd.

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

Mr. Coyne (cont'd): - This met with much discussion. We're going to adopt this evening with a special amendment that's been put forth with the consent of Mr. Daymut who is the councilman in that ward. Are there any questions or concerns anyone has regarding the two issues in my committee? (None) That's all Mr. Gallagher.

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

(None)

**FINANCE - Mr. Dooner:** Thank you Mr. Gallagher. Finance Committee met earlier this evening regarding Ordinance 2009-030. This is an ordinance authorizing the administration to retire notes which expire May 14<sup>th</sup> and give the administration the authority to go-to issue bonds to replace those. Then we also have 2009-031-this is an ordinance authorizing the administration to refinance bonds that already exist. That is all Mr. Gallagher. Both of those are suspend and adopt.

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

(None)

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut.** Thank you Mr. Gallagher. We have no Ordinances or Resolutions on this evening's agenda. I'd like to report that the survey for our retail providers and our service providers here in town did go out last week. Anyone who was watching we would appreciate if you would fill that out. We are in the process now of receiving those back and we will report back to council as soon as we have some more definite figures on and answers to the questions. The next meeting will be Monday-next Monday the 23<sup>rd</sup> at 7:00 p.m. here at the Communications Center. That's all I have Mr. Gallagher. Thank you very much.

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

(None)

**BUILDING AND UTILITIES – Mr. Roth.** Thank you Mr. Gallagher. The first issue I'm going to turn over a letter to the Police Chief and let him react to this letter. It's been an ongoing problem for a couple years and it really needs to be addressed. I spoke to Mr. Biondillo and I'm with him as far as beefing up and addressing and putting in black and white to our Building Code something that will give us even more of a leg to stand on in regards to unshielded, intrusive lights that are intrusive to neighbors within the city borders. If we need to put something more in black and white and amend it, I'm all for that. So, really Mr. Biondillo, any foot candle measurements you want to generate, I'll be glad to turn it over to council and let's do that, let's beef that up. I'll turn this letter over to the Police Chief. (Handing letter over). If I could just get on the other issue Mr. Biondillo that we'd spoke of-if I just could get a time frame for the Westwood Drive problem. That's all Mr. Gallagher.

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

(None)

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

**COMMITTEE OF THE WHOLE – Mr. Gallagher:** There are two issues. Ordinance 2009-036 which is the abolishing of the Internal Control Audit Specialist position. Resolution 2009-037 is a resolution accepting donations from the Strongsville Historical Society in connection with furnishing the renovated Old Town Hall. Both of those recommendations are suspension and adoption. I'll take any questions.

(None)

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

Mayor Perciak – Thank you, Mr. President. A couple of items I would like to address this evening and the first one is the city of Strongsville along with Key Bank is going to be sponsoring a seminar here- a resource seminar on March 7<sup>th</sup>, that's a Saturday at 10:00 a.m. The purpose for the resource seminar is to help some of our residents who are having either financial difficulties either through foreclosures, adjustable rate mortgages, cram downs, any other popular terms that they use for mortgage lending today. We have arranged along with Key Bank- this forum brings together mortgage experts from Key Bank and non-profit partners who are experienced certified homeownership counselors. They will offer unparalleled guidance and expertise from what to expect with an adjustable mortgage to the best options available for you and your family. Case Western Reserve- we're able to obtain a study from them. From our-from the study we were able to ascertain that there are approximately five hundred and forty-five homeowners within the city of Strongsville that we were able to identify that have an adjustable rate mortgage that maybe adjusting up or they may not be able to place into permanent financing or don't know where to go for financing. This seminar is going to help each and every individual that has any type of question regarding their mortgage loan, their equity line, refinancing, selling, short sales. Our objective in promoting this seminar with Key Bank is to make certain our residents have a place to go and talk to someone and seek the counseling they need so that they can continue to live in their home here in the city of Strongsville. That's what our whole objective is-is to enable people to have the information that they need so that they can go ahead and either refinance their home, or do whatever they have to do so that they can maintain their residency right here in the city of Strongsville. This will start on Saturday, March 7<sup>th</sup> at 10:00 a.m. at the Ehrnfelt Rec Center. Our first speaker that morning will be County Treasurer Jim Rokakis to explain to you some of the county programs and that at 11:00 we're going to have a panel discussion with representatives from Key Bank and neighborhood housing services, Cleveland Housing Network, and several other agencies are going to be here. At 12:00, anyone wishing to break down with individual counselors, individual groups, representatives from the credit bureau- they're going to be able to meet with them one on one to discuss their specific issues. We're reaching out to everyone saying please come. We ask you to seek as much information as you possibly can so that you can make a good decision about the future of your home that you own here in the city of Strongsville. We are concerned that everyone has the forum to go and talk with someone so they can meet with the experts so that they can be helped. Again, that is Saturday, March 7<sup>th</sup>, starting at 10:00 a.m. here at the Strongsville Senior Center at our event center. Next of all, I thought it was appropriate to wait till this evening to make this announcement. As most of you know, the President of United States, President Obama today signed into a law the Federal Stimulus that has been brandied about here every since his election in November.

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

Mayor Perciak (cont'd): - We want to make certain here in Strongsville that we have an opportunity also to tap into the well that the Congress has now provided to everyone here across the fifty states.

The city of Strongsville has a wish list also. Our wish list has several items on it but the total amount we are going to be requesting is \$43,621,000.00 from the federal government. \$11,000,000.00 of that we are asking – because this stuff has to be ready to go, shovel ready is to help us finance and to pay for our new addition to our police station. From our Engineering Department which is probably where we have our biggest request, is going to be for concrete roadway rehabilitations, culvert rehabilitations, the Drake Road Sanitary Sewer Project, the Foltz Parkway extension, Pearl Road widening, the Prospect Road storm sewer replacement, the W. 130/Royalton Road intersection, and it goes on and on. We also are asking for some additional dollars for additional policemen so if there's going to be a grant for cops, we have thrown our hat in there because we believe in difficult times such as we're going through now our safety forces have to be ready to meet each and every challenge. From our Service Department, we have heard many complaints throughout the city and from the councilmen about our roads that need to be paved and as most of you know and just like you're experiencing here and at home, dollars are very, very tight; and we are not the exception to the rule. We're going to be asking the Government for \$11,000,000.00 there for pavement projects. There are other items that we've asked for and some additional equipment for our Service Department so that it will continue to keep employed as many of our men as possible and doing that work right here in our own city, helping our own people, helping our own community. This request was officially made on Friday. They have receded our request. I have no idea how much of this money we will get if any but at the end of the day I wanted everyone to realize that we are just not sitting here waiting and hoping we get something. We have raised our hand. We have filed our applications. We have voiced our intentions that we have needs here in the city of Strongsville that need to be met and we here as elected officials are making certain that the administration in Washington and in Columbus understand the needs of what's going on right here in Strongsville, OH. Thank you Mr. President. That ends my report.

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

(None)

**FINANCE DEPARTMENT - Mr. Batke:** Yes, thank you, Mr. President. Funds will be made available on this evening's agenda for all of the ordinances and resolutions requiring certification of funding and up for adoption. Thank you.

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

(None)

**LAW DEPARTMENT – Mr. Kraus:** Thank you, Mr. President. The city's Assessment Equalization Board in connection with the Webster/Blazey purposed Sanitary Sewer Project will be continuing and hopefully completing its work here in this room next Monday evening, February, 23<sup>rd</sup> at 7:00 p.m. All ordinances and resolutions with respect to this evening's agenda are in proper legal form. Thank you Mr. President.

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

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

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – Ladies and gentlemen, this is the segment of our agenda is for public participation. If there is anyone in the audience wishing to address with a question, concern or just a comment, we recommend now is the time for you to do that and we look forward to hearing from you. Is there anyone wishing to speak with Council this evening?

(No one)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2009-014** Ordinance No. 2009-014 by Mayor Perciak and Mr. Coyne. AN ORDINANCE REPEALING EXISTING CHAPTER 1246 AND ENACTING A NEW CHAPTER 1246 OF TITLE SIX OF PART TWELVE OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING THE ARCHITECTURAL REVIEW BOARD, AND DECLARING AN EMERGENCY. 1<sup>st</sup> rdg: 01-20-09. Favorable recommendation by Planning Commission 02-12-09.

**Second Reading-Set for Public Hearing 4/6/09.**

**Ordinance No. 2009-030** by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$16,450,000 FOR THE PURPOSE OF RENOVATING, EXPANDING, CONSTRUCTING AN ADDITION TO, IMPROVING THE SITE OF, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING THE MUNICIPAL COMPLEX LOCATED AT 18688 ROYALTON ROAD TO HOUSE POLICE, JAIL AND LAW ENFORCEMENT FACILITIES AND OTHER MUNICIPAL OFFICES AND FUNCTIONS, IMPROVING, IN COOPERATION WITH CUYAHOGA COUNTY, THE INTERSECTION OF DRAKE ROAD AND HOWE ROAD AND THE APPROACHES TO THAT INTERSECTION IN THE CITY BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING CURBS, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, FIRE HYDRANTS AND TRAFFIC CONTROL DEVICES, ACQUIRING ANY NECESSARY REAL ESTATE OR INTERESTS THEREIN, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, IMPROVING THE CITY'S RECREATION SYSTEM BY ACQUIRING REAL ESTATE AND INTERESTS THEREIN, AND IMPROVING, IN COOPERATION WITH CUYAHOGA COUNTY, THE INTERSECTION OF ROYALTON ROAD AND WEST 130TH STREET AND THE APPROACHES TO THAT INTERSECTION IN THE CITY BY GRADING, DRAINING, WIDENING, PAVING, LIGHTING, CONSTRUCTING CURBS, INSTALLING SANITARY SEWERS, STORM SEWERS, CATCH BASINS, MANHOLES AND TRAFFIC CONTROL DEVICES, ACQUIRING ANY NECESSARY REAL ESTATE OR INTERESTS THEREIN, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY 2009.

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

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

**Roll Call: All Ayes.**

**Motion carries.**

**Ordinance No. 2009-030 ADOPTED.**

**Ordinance No. 2009-031** by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,535,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST ALL OF THE CITY'S OUTSTANDING VARIOUS PURPOSE REFUNDING BONDS, SERIES 1997, DATED AS OF DECEMBER 1, 1997, WHICH WERE ISSUED FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE CITY'S OUTSTANDING STREET IMPROVEMENT BONDS, DATED AS OF AUGUST 15, 1989, WHICH WERE ISSUED TO PAY COSTS OF IMPROVING, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO AND OTHERWISE, PEARL ROAD AND CERTAIN OTHER DESIGNATED STREETS BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, CONSTRUCTING CURBS, STORM SEWERS, SIDEWALKS, DRAINAGE FACILITIES AND DRIVEWAY APRONS AND OTHERWISE IMPROVING THE SAME AND BY RECONSTRUCTING, REHABILITATING AND OTHERWISE IMPROVING THE WHITNEY ROAD BRIDGE, AND A PORTION OF THE CITY'S SEWERAGE SYSTEM IMPROVEMENT BONDS, DATED AS OF AUGUST 15, 1989, WHICH WERE ISSUED TO PAY COSTS OF IMPROVING THE MUNICIPAL SEWERAGE SYSTEM BY CONSTRUCTING SANITARY SEWERS AND A SEWAGE PUMPING STATION, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, GENERALLY REFERRED TO AS THE NORTHWEST INTERCEPTOR AND SEWAGE PUMPING STATION, CONSTRUCTING CERTAIN OTHER SANITARY SEWERS AND PUMP STATIONS, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND CONSTRUCTING IMPROVEMENTS TO THE WASTEWATER TREATMENT 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 for adoption by Mr. DeMio, second by Mr. Coyne.**

**Roll Call: All ayes.**

**Motion carries.**

**Ordinance No. 2009-031 ADOPTED.**

**Ordinance No. 2009-032** by Mayor Perciak and All Members of Council. AN ORDINANCE APPROPRIATING A SANITARY SEWER EASEMENT AND TEMPORARY WORK EASEMENT IN PROPERTY LOCATED AT 12718 WEBSTER ROAD, STRONGSVILLE, OHIO, (BEING PART OF PERMANENT PARCEL NO. 398-26-005); DIRECTING THE LAW DIRECTOR TO PROCEED WITH THE ACQUISITION OF SUCH PROPERTY INTERESTS FOR THE CITY'S WEBSTER/BLAZEY SANITARY SEWER IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

Mr. DeMio – Would you like me to suspend this Law Director or are you going to give us some verbiage at this time or at the next (unintelligible)?

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

**Ordinance No. 2009-032 (cont'd):**

Mr. Kraus – Mr. President and Mr. DeMio-we'd like Council to suspend and I'll add the verbiage on the motion to adopt.

Mr. DeMio – ok

Mr. Kraus – We'll do it that way.

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.

Mr. Kraus – Mr. President and Mr. DeMio, yes I recommend based on discussion with City Council during the caucus in the executive session that the motion to adopt here be specifically subject to and contingent upon the Law Department withholding any lawsuit pending the Mayor and Law Director's receipt of a report from council members Daymut and Coyne who will make efforts to attempt to resolve this matter with the property owners on a voluntary and amicable basis.

So moved by Mr. DeMio, second by Mr. Coyne.

Mr. Gallagher – Motion to adopt as amended, I would assume?

Mr. DeMio – correct.

Mr. Kraus – To adopt with the conditions that have been inserted into the motion for record.

Mr. Gallagher – With the conditions attached.

Mr. DeMio – Move to adopt as amended.

Mr. Coyne – Second.

Mr. Gallagher – Motion by...no, to adopt as the verbiage attached.

Mr. Kraus – To adopt with the conditions that have been inserted in the motion.

Mr. DeMio – So moved.

Mr. Coyne – Second.

**Motion by Mr. DeMio for adoption with conditions that have been inserted in the motion, second by Mr. Coyne.**

**Roll Call: All ayes.  
Motion carries.**

**Ordinance No. 2008-260 ADOPTED.**

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

**Ordinance No. 2009-033** by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A NEW HOLLAND B95B BACKHOE LOADER FOR USE BY THE CITY SERVICE DEPARTMENT AND FOR THE SALE AND TRADE-IN OF ONE USED JOHN DEERE MODEL 500C TRACTOR/LOADER/BACKHOE, AND TO HAVE THE SALE PRICE APPLIED TO THE PURCHASE PRICE, 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. Coyne. All members present voted aye and the motion carried.

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

**Roll Call: Ayes: All Ayes.  
Motion carries.**

**Ordinance No. 2009-033 ADOPTED.**

**Resolution No. 2009-034** by Mayor Perciak and Mr. Haseley. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Fetzer)

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

**Roll Call: All ayes. Motion carries.**

**Resolution No. 2009-034 ADOPTED.**

**Ordinance No. 2009-035** by Mayor Perciak and Mr. Gallagher. AN ORDINANCE AUTHORIZING THE FILING OF AN APPLICATION THROUGH THE STATE OF OHIO NATUREWORKS PROGRAM FOR FUNDING FOR THE CITY'S LUNN ROAD FOOTBALL AND LITTLE LEAGUE FIELDS, IN ORDER TO ASSIST THE CITY IN DEVELOPING A PUBLIC RECREATION AREA; AND DECLARING AN EMERGENCY.

**Placed on first reading and referred to Recreation and Community Services Committee.**

**Ordinance No. 2009-036** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND ARTICLE 5, SECTION 5-001, AND THE CITY'S POSITION PLAN, TO ABOLISH THE POSITION OF INTERNAL CONTROL & ACCOUNTING SPECIALIST; 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 for adoption by Mr. DeMio, second by Mr. Coyne.**

**Roll Call: All ayes. Motion carries.**

**Ordinance No. 2009-036 ADOPTED.**

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

**Resolution No. 2009-037** by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING DONATIONS FROM THE STRONGSVILLE HISTORICAL SOCIETY ON BEHALF OF VARIOUS INDIVIDUALS AND ORGANIZATIONS IN CONNECTION WITH FURNISHING THE RENOVATED OLD TOWN HALL 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. Coyne. All members present voted aye and the motion carried.

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

**Roll Call: All ayes. Motion carries.**

**Resolution No. 2009-037 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

**Application for Liquor Permit – TRFO– D5-D6 – To:** N and D Restaurants, Inc., **dba Red Lobster #6312, 17227 Southpark Center**, Strongsville OH 44136. (Responses must be postmarked no later than 03/02/2009).

There were no objections to the above application.

**MISCELLANEOUS BUSINESS:**

Mr. Roth – Two weeks ago I did miss my first council meeting in many a moon because of two very serious situations with two of my grandchildren. I was in Jacksonville, Florida for both surgeries. You know, I've been a councilman for twenty-one years trying to help sixteen thousand people the best I could. I've been a shop steward for a hundred and fifty men, little league baseball coach for ten, pink panther girls coach for fifteen years. It's very type A sort of hands on person I was just so frustrated and didn't know what to do so for the first time in my life, I've been reaching out to the community here with this little fundraiser Saturday at Bradnan's Bowling. What was really...first I want to thank everyone who has supported me through this and my family. Second, I was very touched by some of the people who had the least means in the city and some of the people who I've disagreed with on this floor or off this floor. They were the first in line, and I just want to thank everybody. That's all Mr. Gallagher.

Mr. Gallagher - Thank you Mr. Roth. In the end we are all family here.

Mr. DeMio – just a special note to congratulate Aimee. She probably should get the minutes of the meeting presented to her by the Council President and the Mayor in the next couple of days.

Mr. Gallagher – Aimee did a wonderful job.

Mr. DeMio – Yes, she did.

Ms. Pientka – Thank you.

Mr. DeMio – You're welcome.

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

Mr. Gallagher (cont'd): – Anything else?

**ADJOURNMENT:**

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:50 p.m.

Signature on File  
Aimee Pientka  
Council Office Assistant

March 2, 2009  
Approval Date