

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON NOVEMBER 17, 2008**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on Monday, November 17, 2008 at 7:15 p.m.

Present: Council Members: Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley and Mark A. Roth. Also Present: Clerk of Council Leslie J. Seefried. Administration: Mayor Thomas P. Perciak, Assistant Law Director Daniel J. Kolick, Finance Director Donald C. Batke, Service Director Joseph M. Walker, City Engineer Ken Mikula, Building Commissioner Anthony J. Biondillo, Communications and Technology Director John Bedford, 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 Haseley recommended suspension and adoption for Ordinance No. 2008-235, accepting for dedication to public use certain lands within Ruggiero Subdivision.

Mr. Haseley informed the Council that he had been contacted by the owner of Roses \$9.99 and More regarding her interest to rezone property on the south side Royalton Road east of Prospect Road. The owner lives at the property on Royalton Road and she and at least five of her neighbors are interested in rezoning their properties from residential classification to Local Business classification. The owner of the florist shop would like to operate her business from her home on Royalton Road; the neighbors are interested in rezoning their residentially zoned properties likewise. Mr. Haseley noted that the City has frowned upon "spot" zoning in the past and stated this request would amount to "spot zoning" and he feels it is not in the best interests of the City. Mr. Haseley stated he plans to bring the request of the homeowners to the attention of the Planning Commission, but first wanted to bring it to the attention of the Council members for their input. After some discussion, the Council members agreed with Mr. Haseley's recommendation to not allow the rezoning.

Finance Committee: Chairman Coyne recommended suspension and adoption this evening for Resolution No. 2008-236, the tax rate resolution.

Mr. Coyne noted that the City's replacement levy was passed by the electors on November 4<sup>th</sup> and stated the City is thankful to the voters for passing the levy, as it will allow us to have some flexibility in next year's budget. Mr. Coyne stated he would be in contact with Finance Director Batke this week to schedule the '09 budget hearings.

Public Service and Conservation Committee: Chairman Dooner recommended suspension and adoption for Ordinance 2008-237, authorizing the purchase through State of Ohio Administrative Services Contract of one new Holland Compact Wheel Loader for use by the Public Service Department. He also recommended suspension and adoption for Resolution No. 2008-238, granting permission to transfer certain certificates for burial rights in the Strongsville Municipal Cemetery.

Recreation and Community Services Committee: Chairman Gallagher recommended suspension and adoption for Resolution No. 2008-239, accepting the donation from the International Bureau of Electrical Workers, Local 38, of an eight lane swimming scoreboard with all accessories and installation to the City's Recreation Center. He also recommended suspension and adoption for Ordinance No. 2008-240, entering into a non-exclusive catering services contract with A Taste of Excellence, Inc. for the City's Recreation and Service Center.

Committee-of-the-Whole: President Gallagher recommended suspension and adoption for Ordinance No. 2008-241, authorizing the Mayor and Finance Director to enter into agreement(s) to purchase various insurance coverages, without public bidding. The Ordinance needs a unanimous vote for adoption. Mr. Gallagher also recommended suspension and adoption for Ordinance No. 2008-242, amending the general salary ordinance to establish, allocate and fix the compensation of various positions within the Department of Communication & Technology. The Finance Director noted that this ordinance redefines positions within the department, allocates the pay range for and sets the compensation for those positions. Mr. Gallagher also recommended suspension and adoption for Resolution No. 2008-243, accepting a bequest from the estate of Ruth D. Szymankiewicz for use by the City in connection with the Senior Snowplowing Program.

Economic Development and Technology Committee: Chairman Daymut stated he would give his report on the Council floor this evening.

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President Gallagher asked if there were any questions, concerns and/or issues to discuss with the directors. Mr. Daymut stated he had copied and distributed a packet of information that was forwarded to him by residents concerned about gas well drilling near Whitney Elementary School. Residents had addressed the School Board with their concerns. Mr. Daymut also distributed a copy of an ordinance passed by the City of North Royalton regarding gas and oil well drilling and requested that the Law Department review the ordinance to consider the possibility of writing similar legislation for Strongsville. A discussion ensued about potential gas well drilling in the City. Mr. Daymut stated anything the City can do to help address the concerns of the residents would be appreciated.

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Committee-of-the-Whole: Councilman DeMio moved to adjourn from open session into executive session [Article XI, Section 9, City Charter] for the purpose of discussing personnel matters and to discuss potential litigation with the Assistant Law Director. The motion was seconded by Councilman Roth. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:38 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Also present were Mayor Perciak, Assistant Law Director Kolick, and Finance Director Batke. Motion was made, seconded, and unanimously approved to conclude the Executive Session at 8:00 p.m. and reconvene in open session.

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**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON NOVEMBER 17, 2008 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE COMMUNICATIONS CENTER**

**CALL TO ORDER:**

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

Mr. Gallagher – Welcome, in the audience and at home, to the November 17<sup>th</sup> – almost Thanksgiving – 2008 City Council Meeting. Welcome back, Mayor.

**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; Daniel J. Kolick, Assistant Law Director; Donald C. Batke, Finance Director; Joseph M. Walker, Service Director; Charles Goss, Chief of Police; Robert Moody, Chief of Fire; John Bedford, Communications and Technology Director; Ken Mikula, City Engineer; Anthony J. Biondillo, Building Commissioner; Anthony Urankar, Human Resources Director; and Steve Kilo, Recreation Director.

**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting of November 3, 2008 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

None.

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:** There will be a meeting this Wednesday at the hospital, I will be in attendance and I will report soon thereafter. Any questions about Southwest this evening?

(None)

**SCHOOL BOARD – Mr. Roth:** Yes, there will be a report forthcoming after the next School Board meeting, which is the 20<sup>th</sup>.

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

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** This evening before Recreation, we have Resolution 2008-239 and Ordinance 2008-240; both recommendations are suspension and adoption. A personal note on this – or Mayor, would you tell the citizens of Strongsville on Resolution 2008-239 what that entails?

Mayor Perciak – Yes, Mr. President, I was going to make that a part of my comments. What it entails, it is a gift that we were able to receive with special thanks to the Local #38, the International Bureau of Electrical Workers Union, #38. They came to the Council President and myself some time ago and asked what could they do for our City, but it had to be something in an electrical donation, and the Council President and I both spoke with them and indicated we needed a brand new scoreboard in the aquatic area of the Rec Center. And we left the meeting and Mr. Tuma pretty much indicated to us that he in fact would see what he could do to make this happen.

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

Mayor Perciak (cont'd) - Well, he has made it happen and we thank him and we thank the entire Local, especially Local 38, for helping us here at the City of Strongsville, and I am sure all of our swim teams will even thank you more. So, thank you very much.

Mr. Gallagher – Thank you, Mayor. Also, Ordinance 2008-240 is a contract for the Recreation Center for non-exclusive catering for the company – Mayor, the name of that company is? – I should know this.

Mayor Perciak – A Taste of Excellence.

Mr. Roth – Mr. Gallagher.

Mr. Gallagher - A Taste of Excellence, and what they are going to be doing is marketing the Recreation Center, providing fantastic services and putting money into the facility itself to make it more appealing for banquets and weddings. Mr. Roth?

Mr. Roth – Yes, Mr. Gallagher. Since the Local 38 is my union affiliation, my local, there is no problem with me confirming this; correct?

Mr. Gallagher – Confirming...?

Mr. Roth – Confirming on the vote tonight, voting for?

Mr. Gallagher – No, it is a gift.

Mr. Roth – Because it is a donation?

Mr. Gallagher –Yeah, it is a donation. Mr. Kolick?

Mr. Kolick – There is no problem; as a member of the union, you are still in a position to vote yes.

Mr. Roth – Thank you.

Mr. Gallagher – Thank you. Are there any other questions for Recreation?

(None)

**PUBLIC SERVICE AND CONSERVATION – Mr. Dooner:** Yes, we met this evening regarding Ordinance No. 2008-237, we're recommending suspension and adoption, allowing the City to purchase a new wheel loader for the Department of Public Service for the City; and then we're also recommending Resolution 2008-238, which is a transfer of burial rights in the Strongsville Municipal Cemetery. And that is all we have, Mr. Gallagher.

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

(None)

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

**PUBLIC SAFETY AND HEALTH – Mr. DeMio:** Nothing before the docket tonight, although the beginning of the new police station has begun and we will have updates throughout the year. Our next scheduled Council meeting will be – yeah, we should clap – It's a miracle that the men and women of the Police Department have done such a great job with such little assets at hand, I don't know how else to say it, and that's a great testimony to the Police Department and the Fire Department, who for years worked over there in conjunction. And we all want to thank Charlie Goss and his men and women for all they do with such constraints. But, beyond that, the beginning started last week, I believe, or the week before, excuse me, and we will have updates throughout the year and I'm sure we'll have updates monthly. But I will close the committee report, unless there are questions otherwise.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

Mr. DeMio – Thank you.

**PLANNING, ZONING AND ENGINEERING – Mr. Haseley:** Thank you Mr. Gallagher. PZE met this evening to discuss Ordinance 2008-235 and the recommendation is to suspend and adopt. That concludes my report; I'll field any questions if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – I just want to state for the record that I received many concerns from the Co-Moor area on Idlewood Trail regarding an issue there and the concerns of the people of Co-Moor, I just want to assure them, have been referred to the Law Department and the Building Department. That's all.

Mr. Gallagher – Thank you. Any other questions for Mr. Haseley?

(None)

**FINANCE - Mr. Coyne:** Thank you Mr. Gallagher. The Finance Committee met this evening and has recommended the suspension and adoption of Resolution 2008-236, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. We also discussed about a potential date for our upcoming budget hearings and we'll be getting back to you regarding that. And if there are any other questions, I'd be more than glad to entertain them at this time.

Mr. Gallagher – Questions for Mr. Coyne?

(None)

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

**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 focus group concerning our business/service providers survey did meet November 13<sup>th</sup> here at the Communications Center. We are in the process of reviewing the questions that will be asked on that survey that we will put out the beginning of the year in conjunction with the Chamber of Commerce. As soon as we have the questions in a more organized form, I will submit that to Council members and to the Mayor for their review and hopefully we will be able to finalize that some time in December. Our next regular meeting will be next Monday, November 24<sup>th</sup>, at 7 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. No legislation this evening within this committee, but just want to state, you know, Council is a part-time position, but all of us try to give a full-time effort, and Mr. Coyne and myself appeared in the middle of the day at a Metroparks Board Meeting to voice for the people of the northwest quadrant of the City their concerns and problems, especially for the thousand homes that are affected by the rifle range and the gun range within the Metroparks. We showed them on a map how a thousand homes within a half mile, we showed them records of disturbing the peace to the Police Department, complaints, we showed them noise decibel readings breaking our noise ordinance, and we also relayed to the Board in front of the public a real disturbance – you know, where we are very dissatisfied with automatic weapons being used in the middle of my ward. There was – you could hear a pin drop in there; I think they got the message. I appreciate Mr. Coyne being there with me that day and there was some stunned looks on their faces and I hope finally, after all these years of firing off weapons in the middle of a dense residential area, that they get the message. That's all, Mr. Gallagher.

Mr. Coyne – Mr. Gallagher.

Mr. Haseley – Mr. Gallagher.

Mr. Gallagher – Yes, Mr. Coyne first.

Mr. Coyne – I just wanted to add that Mr. Haseley and Mr. Daymut could not be there that day, they sent a letter reflecting their thoughts and concerns about the project so they could be heard. And I know other members of Council expressed their opinions and voices, so we appreciate all of your concern and we wanted to thank you.

Mr. Gallagher – Thank you. Mr. Haseley.

Mr. Haseley – Mr. Coyne already covered what I was going to say.

Mr. Gallagher – Anything further for Mr. Roth?

(No comments)

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

**COMMITTEE OF THE WHOLE – Mr. Gallagher:** We have three items: Ordinance 2008-241 is a recommendation of suspension and adoption, we will need unanimity on that one; Ordinance 2008-242, also suspension and adoption; Resolution 2008-243, recommendation is suspension and adoption and, also, that is kind of special; Mayor, are you going to talk about that one during – I don't want to take everything away from you this evening – you're going to cover that under your report?

Mayor Perciak – No, you can.

Mr. Gallagher – Oh. A resident, Ruth Szymankiewicz, left the City thirty two thousand dollars in her will after she passed away and that's specifically for senior snowplowing driveways, and we're going to use that to its fullest. We greatly appreciate the gift from Ruth and I just think that's really kind of a special thing; we don't usually get that too often and we greatly, greatly appreciate it. So it's an evening of getting gifts from the electrical union workers and Ruth Szymankiewicz and her family, and we greatly appreciate that.

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

Mayor Perciak – Thank you, President Gallagher. I'd also like to thank the eighty one businesses, or the business men and women and our residents who donated over nineteen thousand dollars – that's the third one tonight – nineteen thousand dollars to light up the Commons for Christmas. And thanks again to our business men and women and the few residents that did donate. Our lighting ceremony with all the festivities will be held on Friday, November 28<sup>th</sup> – that's the day after Thanksgiving – at 5:30 p.m. on the Commons, so please come join us, it will be a great time, and Santa Claus is coming to town and I'm sure all our little ones will enjoy that day; school will be out, hope for some nice weather so that we can enjoy the evening. So, again, I'd like to thank all our business men and women and some of our residents who have donated again this year to make that event possible. And over the last five years the total donations to decorate our Town Commons is now in excess of one hundred thousand dollars and you can see how we're expanding that decoration all up and down Pearl Road.

Also this evening I would like to take the time to congratulate our Strongsville Varsity Football Team and Coach Russ Jakes and all his assisting coaches for an impressive 11 and 2 record. Regardless of the outcome on Saturday night, gentlemen, your community is proud of you, we're proud of your accomplishments, we are proud that you remain committed to helping make Strongsville number one; we congratulate you, we wish you well, those of you that are going to be moving on to college, we wish you well on your college careers, those of you that are going to be receiving football scholarships, congratulations again for all your hard work, and we look forward to a great year in 2009. So congratulations, gentlemen.

Also, the Strongsville Girls Soccer, what a phenomenal year, a phenomenal year, a 21-2 and 1 tie in Division 1. And I also want to congratulate them, they were right there to the end. Again, I know that's heart breaking, but you represented our City well, you played your hearts out, and what more could we ask of you? And also a special congratulations to Danielle Hubka; she made ESPN's Top 50 – Top 50 in the nation, so I'd like to congratulate her specifically and all our girls at the High School for being there in our Division 1 State Soccer championship game.

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

Mayor Perciak (cont'd) - And lastly, last Friday, most of you know that our own Sts. Joseph and John School here won the Blue Ribbon Award, the No Child Left Behind; it's one of I think 50 schools in the country that are awarded this award, so we also want to extend to our principal there, Dolly Thomas, and the faculty and the staff and the pastors of both parishes a hearty congratulations. Strongsville was really, really recognized well in the last month and I want to congratulate each and every one of them, and it's all in the scholastic area or in the sports area; so congratulations to each and every one of you.

That ends my report.

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

(None)

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

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

(None)

Mr. Gallagher – Law Department; sitting in for Mr. Kraus this evening is Mr. Kolick. Mr. Kolick?

**LAW DEPARTMENT – Mr. Kolick:** No report this evening, Mr. President.

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

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – This is the portion of our agenda, ladies and gentlemen, where it's Audience Participation. Those here in the audience, you are more than welcome to come speak with Council; you have five minutes and as you approach the podium if you'd give us your name and address we would greatly appreciate that for the record. On the list, I have Mr. Ed Tuma.

Ed Tuma, 1590 E. 23<sup>rd</sup> Street, Cleveland – Thank you, Mr. President, Mayor, Council. I just wanted to appear tonight just to thank you for letting us install that scoreboard. I do know the scoreboard has been ordered, it will be right around Christmas time we'll have it in; right before, I believe, the swimming season starts. It's a privilege and an honor for the International Brotherhood of Electrical Workers and the National Contractors Association, our partner, that we wanted to give this donation to the City. And, again, thank you.

Mayor Perciak – Thank you.

Members of Council – Thank you.

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

Mr. Gallagher – Mr. Tuma, thank you.

(Applause)

Mr. Gallagher – Christmas comes early for us; we greatly appreciate that, again. I have Karl Schmidt.

Karl Schmidt, 18794 Stony Pointe, Strongsville – My name is Karl Schmidt; I live at 18794 Stony Pointe. Thank you, Mr. President, Mayor Perciak and members of Council. As you know, I was here last Council meeting, November 3<sup>rd</sup>, and I brought up a serious situation that we have in our development, Stony Pointe of Chandler Commons. There's roughly about fifty two houses, including myself and my neighbor; fifty two houses of the Kimball Homes Estates and they're big, high-end houses and I live next door to them. And the problem that we're having that I believe is a problem of salt, a salt issue, on our front lawns. And for Mayor Perciak, I know you weren't here last week, but this – I wanted to show you this; this is kind of like...

Mayor Perciak – I did receive it.

Karl Schmidt – You did see that; okay, good. And what we did, I had to be out of town that week, but I was able to meet with Joe Walker on Friday morning, the 7<sup>th</sup>, and we kind of walked around and looked at the area and the development and things like that, and he had been briefed by David Kreidler as well, so we kind of went through the area. And one of the things that Mr. Walker had said was that he believes that it was a situation of the underground trenching of the cable and that. And I did a little work and David Kreidler also brought another gentleman out, a guy by the name of Zeke who works for the Central Locating Services, and he came out and he says, well, really, when you're looking at cables, they don't really dig trenches, everything is done by directional boring. We had a company go through there called South Shore Company and I'm waiting on their supervisor, a guy by the name of Gary Melman, to confirm that, as well. But that is how they do the underground trenching and it's not really a trench, it's an underground boring. And so what I did was – and it was nice because David Kreidler had the guys come out, he had Zeke come out and he also had the company, the cable company in question, which did the underground tunneling. Now one of the things that the pictures show clearly evident was the fact that, you know, where you have the red marking and the flag, that's WOW, and the trenching that supposedly has occurred is nowhere near this underground burrowing. Okay? And the problem that we have is this on both sides of the sidewalk, okay, and it's something that I still think that it's a salt issue; you know, it's a matter of opinion. I got a result of the CLC Labs that did some digging and we did some samples and, yeah, I agree that in one case the soluble salts were .9 and .9 in the infected area and the non-infected area. The reason for that is basically because after seven months, okay, if there's any salt that's down there, sodium, sodium chloride, that's going to go away after several months. Everybody has underground sprinkling systems – I don't, but they do, and, not to mention the severe weather that we had in June where we had severe rainstorms. There's another result of analysis that's on there, and that is sodium. And sodium in the affected area was 109 and sodium in the non-affected area was 75. Now, the normal range for this is 35 to 75, so the infected area, we see that 109 was well over.

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

Karl Schmidt (cont'd) - One of the things I wanted to bring up – and the people that did the soil testing for us, CLC Labs, he had a technical bulletin that he puts out and in this bulletin there is a lot of information about deicing salts and things like that – and one of the things that he said, soil samples from these areas may help to confirm the on-site diagnosis of deicing compound damage; however, by spring when the damage becomes evident, snow melt and spring rains have often reduced the level of salt in the soil. Okay, that's the soluble salt test. Now, what I mentioned before about the 109 versus the 30 to 75 normal, okay, he says, on the other hand, the sodium test is often a revealing test; this test is done assuming rock salt, sodium chloride, was part of the deicing compound used. This is often, but not always the case. Although the chloride anion may have leached past the root zone, the sodium cation is held by the negatively charged soil particles. In most parts of the country, background levels of soil sodium are low to medium and high to very high sodium levels in the soil strongly point toward deicing compound contamination. So yeah, I mean, the reports that we have done and everything else...

Mr. Gallagher – Excuse me, Karl; you have thirty seconds.

Karl Schmidt – Okay, thank you, thank you.

Mr. Gallagher – Did you share that with Joe Walker?

Karl Schmidt – Yes, I did.

Mr. Gallagher – Okay.

Karl Schmidt – Yes, yeah. Just to conclude, you know, it's a very serious situation that we have in our development. I just want to make sure that we continue to move forward and work together on this to find a solution as to what it is. Right now it's a very eyesore; if you've ever been to the area, you'll see it's a mess. Thank you.

Mr. Gallagher – At our last meeting we said that we would stay on that with you and Joe and Ray, so we'll get to the bottom of it.

Karl Schmidt – Thank you.

Mr. Gallagher –Thank you. Is there anyone else? I don't have anyone listed on the sign-in sheet.

Tony Zubek, 16689 Timberline Drive, Strongsville – Mr. President, Mr. Mayor and Secretary, Directors -- and congratulations. At the end of the last Council meeting of September 15<sup>th</sup> Council adopted by motion a City Council Policy for Origination of Legislation. Based on available public record, this policy was developed by the recently formed Legislative Policy Committee. From the summary of Caucus minutes held prior to the Council meeting of September 15, the Committee Chairman explained that the policy is not intended to deny Council members an opportunity to request legislation, but rather to put procedures in place prior to introducing or drafting any unusual or controversial requests for legislation which may raise issues with legality, constitutionality, validity or which may adversely impact the city government or the community. The Visconsi north Howe Road retail expansion litigation cost as identified is something that this policy might have helped to avoid.

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

Tony Zubek (cont'd) - Review of the Visconsi legal battle suggests that the matter could have been avoided if Council in 1996 had acted in the same manner that it did in responding to Ordinance 2006-69, an ordinance of the City of Strongsville in order to establish a new mixed-use district on Pearl Road south of Drake. In the end, 2006-69 was voted down by Council by a vote of 6 to 1 and the issue disappeared. Per the new policy, this policy is not intended to apply to any of the various routine requests for legislation, most of which are generated by the administration with the cooperation of the part-time Council chair, rather only to those few requests by members of Council which on their face otherwise would appear to impact upon city government. That this Council succeeded in putting in place a policy to limit the ability of a member of this elected body to draft legislation, to present it to the body is within its providence to do, and while done, as it now exists, could be overturned by a new leadership team. However, the intent of this policy appears to be to make this policy, within six months, a part of the codification with the adoption of an ordinance amending SCO 220.06. To incorporate such procedures in the formal rules of Council would hinder the ability of future Council members and leadership to serve the best interests of their constituents and community. Your action to stop one thorn in the side of this body should not be used to restrict the ability of new leadership to legislatively guide this city in the future. Thank you.

Mr. Gallagher – Thank you, Tony. Anyone else wishing to speak with Council?

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2008-235** by Mr. Haseley. AN ORDINANCE ACCEPTING CERTAIN LANDS WITHIN RUGGIERO SUBDIVISION FOR DEDICATION TO PUBLIC USE; ACCEPTING CERTAIN PUBLIC UTILITIES CONSTRUCTED THEREIN AND AUTHORIZING AND DIRECTING THE ACTS REQUIRED IN FURTHERANCE THEREOF, AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-235 ADOPTED.**

**Resolution No. 2008-236** by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-236 ADOPTED.**

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

**Ordinance No. 2008-237** by Mr. Dooner. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF ONE (1) NEW HOLLAND COMPACT WHEEL LOADER FOR USE BY THE DEPARTMENT OF PUBLIC SERVICE OF THE CITY; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-237 ADOPTED.**

**Resolution No. 2008-238** by Mayor Perciak and Mr. Dooner. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Drda/Burgess)

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-238 ADOPTED.**

**Resolution No. 2008-239** by Mayor Perciak and Mr. Gallagher. A RESOLUTION ACCEPTING THE DONATION OF AN EIGHT LANE SWIMMING SCOREBOARD WITH ALL ACCESSORIES AND INSTALLATION FROM THE INTERNATIONAL BUREAU OF ELECTRICAL WORKERS, LOCAL 38 TO THE CITY OF STRONGSVILLE'S EHRNFELT RECREATION CENTER.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-239 ADOPTED.**

**Ordinance No. 2008-240** by Mayor Perciak and Mr. Gallagher. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A NON-EXCLUSIVE CATERING SERVICES CONTRACT FOR THE EHRNFELT RECREATION AND SENIOR CENTER, AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-240 ADOPTED.**

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

**Ordinance No. 2008-241** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AGREEMENT(S) TO PURCHASE VARIOUS INSURANCE COVERAGES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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. 2008-241 ADOPTED.**

**Ordinance No. 2008-242** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO ENACT NEW SECTIONS 5-070, 5-071 AND 5-073 TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION OF THE POSITIONS OF DIRECTOR OF COMMUNICATION & TECHNOLOGY, ASSISTANT DIRECTOR OF COMMUNICATION & TECHNOLOGY, AND INFORMATION TECHNOLOGIST, RESPECTIVELY, IN THE DEPARTMENT OF COMMUNICATION & TECHNOLOGY; TO ABOLISH THE POSITION OF DIRECTOR OF COMMUNICATION & TECHNOLOGY (5-020) UNDER GENERAL ADMINISTRATION; 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 of 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: Dooner, Gallagher, Haseley, Daymut, Coyne, DeMio.**

**Nays: Roth.**

**Motion carries.**

**Ordinance No. 2008-242 ADOPTED.**

**Resolution No. 2008-243** by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A BEQUEST FROM THE ESTATE OF RUTH D. SZYMANKIEWICZ FOR USE BY THE CITY IN CONNECTION WITH CERTAIN SERVICES FOR RESIDENTS UNDER THE CITY'S SENIOR SNOWPLOWING PROGRAM.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read of 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.**

Mr. Haseley – God bless her.

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

**Resolution No. 2008-243 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

None.

**MISCELLANEOUS BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:36 p.m.

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

December 1, 2008  
Approval Date