

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON MAY 19, 2008**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Municipal Building, 18688 Royalton Road, on **Monday, May 19, 2008 at 7:30 p.m.**

**Present: Council Members:** Michael J. Daymut, Joseph C. DeMio, Michael J. Gallagher, Raymond L. Haseley, James A. Kaminski and Mark A. Roth. Also Present: Clerk of Council Leslie J. Seefried. **Administration:** Mayor Thomas P. Perciak, Assistant Law Director Daniel J. Kolick, Service Director Joseph M. Walker, Economic Development Director Eugene P. Magocky, Communication and Technology Director John Bedford, Assistant City Engineer Lori Daley, Building Commissioner Anthony J. Biondillo, Recreation Director Stephen F. Kilo, Fire Chief Robert Moody and Police Chief Charles Goss.

**Absent:** Council Member Patrick J. Coyne.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering Committee: Chairman Haseley reported that a change has been made to Ordinance 2008-093, which is currently in front of the Planning Commission. The Ordinance on Council's agenda this evening should be amended by substitution to effect the change, placed on second reading and referred back to Planning Commission as amended. Mr. Haseley recommended suspension and adoption for Resolution 2008-112, confirming Planning Commission approval of the site plan for the construction and installation of an above ground telephone cabinet and power cabinet in a utility easement located at 15939 Drake Road.

Economic Development and Technology Committee: Chairman Daymut recommended suspension and adoption for Ordinance 2008-102, entering into an amendment to the Ohio Enterprise Zone Agreement between the City and World Almanac Education Group, Inc. Councilman Roth asked about the reduction of personal property taxes for the company and it was explained to him that the exemption amount for personal property tax was 75% in the original agreement; since the company did not meet the agreement terms; the exemption amount is being reduced to 50%.

Public Service and Conservation Committee: Chairman Kaminski recommended suspension and adoption for Resolution 2008-113, granting permission to transfer certain certificates for burial rights in the Strongsville Municipal Cemetery and waiving the transfer fee because the transferee is a religious and charitable organization.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinance 2008-114, establishing the maximum number of uniformed officers in the Police Department.

Mr. DeMio discussed scheduling a Public Safety Committee meeting late in the month of June to discuss the renovation and addition to the police facility. He will advise everyone when a meeting is scheduled.

Mayor Perciak announced that the public Open House for the new Ward 4 Fire Station and fire headquarters held on Sunday, May 18<sup>th</sup>, was a well attended and successful event.

**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON  
MAY 19, 2008 IN THE COUNCIL CHAMBERS**

**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 – Good evening and welcome to the May 19, 2008 City Council meeting here in the City of Strongsville Council meeting.

**CERTIFICATION OF POSTING:**

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

**ROLL CALL:**

**Present were:** **Council Members:** Joseph C. DeMio, James A. Kaminski, 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; Joseph M. Walker, Service Director; Eugene P. Magocky, Economic Development Director; Robert Moody, Chief of Fire; Charles Goss, Chief of Police; John Bedford, Communication and Technology Director; Lori Daley, Assistant City Engineer; Anthony J. Biondillo, Building Commissioner; and Steve Kilo, Recreation Director.

**Absent:** Council Member Patrick J. Coyne.

Mr. DeMio – Mr. Gallagher, I'd like to excuse Mr. Coyne for good cause, noting that his daughter's confirmation is today.

Mr. Kaminski – I'll second that.

Mr. DeMio – So we wish her well today, by the way.

Mr. Gallagher – Absolutely.

*Motion was made by Mr. DeMio and seconded by Mr. Kaminski to excuse Councilman Patrick J. Coyne for just cause. All members present voted aye and the motion carried.*

**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting held on May 5, 2008 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

None.

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:** There will be a meeting Wednesday, I'll be in attendance, I'll report after that. I'll take any questions.

(None)

**SCHOOL BOARD – Mr. Roth:** Thank you Mr. Gallagher. The meeting of May 15<sup>th</sup> was an honoree meeting. They honored – the Outstanding Educator awards were handed out. Mrs. Erica Bittner received an award; Michelle Burke, a teacher at Albion Middle School, along with the rest of the Albion School Middle Team, was honored: Ms. Annette Ehrnfelt, Mr. Jeffrey Port, Mr. Matthew Stanley and Mrs. Barbara Zimmerman were honored as part of the group. Then there was a series of retirements. Karen Hollo, the principal of Strongsville High, is retiring and she was honored. And ten teachers: Donna Doeberling, Carolyn Hennon, Ruth Jenkins, Carole Jones, Wilbur Martin, Marian Mittler, Virginia Standen, Sharon Wilson and Denise Youngblood, and psychologist Sharyn Wheatley, were honored; they are all retiring. And then there was a host of support staff that retired that evening. And that's all I have.

Mr. Gallagher – Thank you, Mr. Roth. Any questions for Mr. Roth?

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** There will be a note in everybody's mailbox tomorrow regarding our last Rec meeting and the decisions that we made and that we put forth, hopefully for this coming year. Mr. Kilo will put those in your boxes. If you have any concerns or questions, let me know and I would appreciate it. Any questions?

(None)

**PUBLIC SERVICE AND CONSERVATION – Mr. Kaminski:** Yes, Public Service met this evening, discussed Resolution 2008-113, transfer of certificate for burial rights; the recommendation is suspension and adoption. And that completes my report.

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

Mr. Roth – Yes, just within this committee, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just, all I'm asking for is sort of a timeframe from Mr. Walker when a lot of the chuck holes in Ward 3 from last fall would probably be addressed.

Mayor Perciak – Go ahead, Mr. Walker.

Mr. Walker – Okay. We have been over there, Mr. Roth, as I think you know, on Pebblebrook; we've been over there ever since the weather broke. We've been doing the catch basins all throughout your ward, we have been doing patching all along over there. So we'll continue to do that until it's completed, but we have been there ever since the weather broke.

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

Mr. Roth – Okay, chuck holes – you know, big chuck holes such as those on Albion and Eastland and Evergreen and Jonathan and South Drive, they're going to be addressed in the next couple weeks?

Mr. Walker – Well, I wouldn't say the next couple weeks, I mean, we've got the whole City to cover, but we are aware of them and we'll get to them as soon as we can.

Mr. Roth – Okay. Thank you, Mr. Walker.

Mr. Gallagher – Any other questions for Mr. Kaminski?

(None)

**PUBLIC SAFETY AND HEALTH– Mr. DeMio:** Thank you. Before the docket in Public Safety tonight is 2008-114, I believe we have a vote of suspension and adoption, and that's all I have.

We've got a tentative schedule for the end of the month for a Public Safety meeting – that would be the end of the month of June – to try and get some information in regard to the police headquarters.

The other thing I'd like to say, and I'd be remiss if I didn't; first of all, Mayor, Michael Gallagher and Chief Moody, I want to thank you all so very much on how you represented us in the Safety Committee and the opening of the headquarters of the Ward 4 Fire Station. It was really a joyous event, I mean, it certainly was different; it wasn't just a dedication opening a building, it really felt like family was coming to see their new home when people came there. So I want to thank you personally from the committee. Mayor, I want to thank you for thanking all of us; that is always something you wonder if people really respect what people that sit up here do, and you've done that ever since you've taken office; I want to thank you. Mike, you did a great job thanking us and sharing a few stories that we like to hear. And Chief, you certainly showed us the beginning and the end of the rainbow yesterday and you were obviously very emotional and you got a couple rounds of applause; if I remember, I believe you had three standing ovations. Mayor, wasn't that correct?

Mayor Perciak – I think so.

Mr. DeMio – Yeah. And we had a little more – few more people there than I – we've had...

Mayor Perciak – Well deserved.

Mr. DeMio – We'd have another one. But thanks again and I mean that, to all, especially to you three. Thank you.

Mayor Perciak – You're welcome.

Mr. Gallagher – Any other questions for Mr. DeMio?

(None)

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

**PLANNING, ZONING AND ENGINEERING – Mr. Haseley:** Thank you Mr. Gallagher. Planning, Zoning and Engineering met this evening to discuss the following: Ordinance No. 2008-093, recommendation to amend by substitution, place on second reading and refer back to Planning Commission; and Resolution 2008-112, recommendation is to suspend and adopt. That concludes my report.

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

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – On May 14<sup>th</sup> a decision was made by the Board of Zoning Appeals and I'd like to make a motion – on the Enterprise Rent-A-Car operation that's going to be jammed on that small lot on Pearl Road and Adams – and I'd like to make a motion right now to review that approval decision by Council.

Mr. Gallagher – You want to be more specific?

Mr. Roth – I want to review the approval decision -- of Enterprise Rent-A-Car decision by the Board of Zoning Appeals.

Mr. Gallagher – Mr. Kolick?

Mr. Kolick – The Council has the ability, if it so elects, to review any grant of a variance from the Board of Zoning Appeals. The Board of Zoning Appeals did grant a number of variances for Enterprise, so if Council wishes to review it it would need to have a second and a vote to review it and then it will be scheduled before Council for an actual hearing.

Mr. Gallagher – Is there a second for Mr. Roth's motion?

(No second)

Mr. Gallagher – Hearing none, we'll move forward. Any other questions for Mr. Haseley?

(None)

**FINANCE:** Mr. Gallagher – In Mr. Coyne's stead, Mr. DeMio.

Mr. DeMio – There is nothing before the Finance Committee tonight, although I understand our Finance Director, acting by Mr. Gallagher, will have some words to say shortly thereafter.

Mr. Gallagher – I have to find those.

Mr. DeMio – I think it's hard to remember those words there, Mike, they're not etched in stone in the back of my head or anything.

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

Mr. Gallagher – I practiced them.

Mr. DeMio – I'll field questions for Mr. Coyne, if anyone wishes.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:** Thank you Mr. Gallagher. Economic Development and Technology did meet this evening and gave favorable recommendation to Ordinance 2008-102.

I'd like to announce for our breakfast meeting on Thursday, June 19<sup>th</sup>, we now have a sponsor for that and that will be First Federal of Lakewood, the branch here in Strongsville – we appreciate their support, and we have obtained a speaker and that will be Janine Migden-Ostrander, and she is from the office of the Ohio Consumers Counsel. It will be a very exciting meeting; I'd like you to mark your calendars because what she'll be able to do is discuss the ramifications of the electric deregulation bill, Senate Bill 221 that was recently passed at the State, and she will give us some insight as to how that will affect our industrial partners, our business partners and our residents. So if you'll mark that on your calendars at this time, I think it will be very informative.

And our next meeting will be Tuesday – not Monday – May 27<sup>th</sup>, at 7 p.m. here in Council Chambers, due to the Memorial holiday. That's all I have this evening, Mr. Gallagher. Thank you very much.

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

(None)

**BUILDING AND UTILITIES – Mr. Roth:** Thank you Mr. Gallagher. First item is I'd just like to see us take a closer look at the erosion problem on **Blodgett Creek Trail\***. You know, the City and Council approved units on Blodgett Creek Trail only six feet from a public storm water system, so any sort of erosion is a serious concern. So I'd like to see us take a closer look at the erosion on Idlewood Trail. There have been a couple reports, I think one of them was 11111 Blodgett Creek Trail, there have been other points there nearby.

The second point is, such as on my street, some of these AT&T pads and cabinets have expanded from a little box to three giant cabinets. The one on my street is twenty feet by six feet. The bushes are dead, the weeds are high, it's large, a safety hazard, unsightly, and people can even hide behind it. I want to know, how are we going to maintain these. How are we going to maintain these areas within the City? Who's going to do it?

Mr. Gallagher – Mr. Roth?

Mr. Roth – Yes?

Mr. Gallagher – If I could suggest; it's your committee, call a committee meeting.

\* **Corrected 06-03-08.**

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

Mr. Roth – I've asked, I've asked several times.

Mr. Gallagher – Well, you're the chair.

Mr. Roth – I've asked the administration several times who's going to maintain this equipment and the landscaping?

Mr. Kolick – Mr. Chairman. Let me – I may be able to shed some light on this.

Mr. Gallagher – Mr. Kolick.

Mr. Kolick – Planning Commission has recently taken a look at this and because of the reason that a lot of the vegetation was dying around these boxes, they are doing either two things, they're putting something more permanent in, whether it's fencing or (unintelligible), or they're putting in a type of plantings that our City Forester has recommended, arborvitae or those types of things that are more maintenance free. So, hopefully, that will start to resolve some of the problems or in many cases, particularly around the right of ways and some of the other areas, they're even recommending that there be no landscaping around these particular boxes. So, we do, though, contact AT&T if there are other areas and I – if Mr. Roth can turn that in to our department – will certainly take a look at it. But, in the meantime, we hope to avoid this type of problem in the future.

Mayor Perciak – Mr. President, Mr. Roth. Mr. Kolick, if you would be so kind to elaborate a little bit. Mr. Roth is expressing his frustration with it, as we did throughout the past year. As you recall, not only yourself, along with Ken Kraus, our Law Director, our Technology Director, myself, not only did we oppose how these units were being placed, we went and lobbied in Columbus as to the situation; and could you please explain once and for all so we could put this to bed how limited we were under the law.

Mr. Kolick – These – most of the boxes are going within the right of way and the state has done a lot to preempt what we can do. I think we've gone to about the limits of what we can do with these particular boxes, but we don't have carte blanche to be able to demand what we want to demand with it. Now, if they're in a storm drainage area or they're blocking the view of a street to make it dangerous, there is something we can do. But we're more limited in anything beyond those parameters.

Mr. Roth – Mayor and Mr. Kolick, I appreciate what you're saying and I know you're limited in what you can do there, but this is, like the big one on Jonathan, it's already done; the weeds are four feet high and the shrubs are dead. What are we going to do about that?

Mr. Kolick – We have some – they have some maintenance responsibility and any of those that are brought to the attention of the Building Department, we'll take a look at.

Mayor Perciak – And I don't know what we can do on future...

Mr. Roth – Alright, I see Mr....

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

Mayor Perciak – Wait, hang on – On future permits, maybe we can discuss with them that until they clean up all these other ones – I'm not sure what the law is on this, Mr. Kolick.

Mr. Kolick – Well that's why, Mayor, with the future ones we don't want to run into the same thing, so that's why we've been limiting what is going around them. I'm sure Mr. Haseley can tell you as well, the ones that have been coming, and most of them we haven't been demanding anything around because it's more problems than having something there to begin with. In fact, the one that's on tonight's agenda you'll see is that way.

Mr. Roth – So if we can, with the ones they've put things there that have become unsightly, if we can maybe nail them down on how they're going to maintain – any sort of maintenance program.

Mayor Perciak – We have tried. We have tried; it isn't that we have not tried.

Mr. Roth – We need to voice to them, Mayor; someone's got to maintain them.

Mayor Perciak – We have, in the minutes of the Planning Commission gone over and over again about the plants, about the placing of the boxes. We call them refrigerators. We did everything we could to delay this, but at the end of the day the law was on their side. And, correct me if I'm wrong, Mr. Kolick, I don't really believe we can make them landscape or maintain around them, other than maintain their unit and keep it safe to the public.

Mr. Kolick – See, the problem that comes is – the practical problem with it, Mr. Roth, unlike any other business, obviously, the people are there, they're there to maintain them; these are just boxes sitting out all by themselves, there's no one around there to see it. So we have some limited enforcement that we can do and we have to look at them on an individual basis; if it's something that we required and they agreed to do we can look into it, and we'll be happy to do so. But we are more limited than like a property owner.

Mr. Haseley – And we haven't, we're not (unintelligible).

Mr. Kolick – Right. We're aware of them; we'll do what we can.

Mr. Roth – If we can mention the one on Jonathan and Priem, I would...

Mr. Kolick – We will do so.

Mr. Roth – Okay, thank you. And then finally, really quick; I appreciate the response of Mr. Biondillo and Mr. Mikula. I believe they're going to be addressing the equipment by Crossroads that's been on a dense residential street for about a week now. Hopefully, we can get it over on a more appropriate place, like Staples' parking lot that is huge and centrally located because we just redid Idlewood Trail and here is, you know, large heavy equipment, possibly cracking that new street and scraping it, rust everywhere.

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

Mr. Roth (cont'd) - Well, the two problems beyond that that have emerged are they're refueling these giant apparatuses in the middle of the street? That's not right, that's not safe, I don't think that's kosher. And they're starting their equipment up at 6:15. Now this outfit's done a lot of work in town, don't tell me they don't know that on a dense quiet residential street it's okay to start up their equipment at 6:15 Wednesday, Thursday and Friday. They disturbed the peace and we've got to stop them before tomorrow morning.

Mayor Perciak – Mr. President, Mr. Roth. Mr. Walker...

Mr. Gallagher – Mr. Mayor.

Mayor Perciak - Why don't you relay that conversation with the contractor today.

Mr. Walker – We have spoken to the contractor. The Staples parking lot would be a wonderful location, but that's a privately owned parking lot. They are parking within the City right of way, they have not damaged the pavement, they're well aware of their responsibilities there. I don't know where the – Mr. Roth, who gave you the 6:15 timeframe because they have been abiding by the construction start time on Pearl Road. And as far as the refueling, that is typical, there are no hazards there, they do it in an appropriate fashion – they're not spilling fuel, they're not damaging pavement. So they will be out of there in just a couple of days, but we are getting Pearl Road paved up there, that's more work being done up on your end of town, we're just trying to keep up.

Mr. Roth – Mr. Walker, I just want you to know that the residents are telling me –on CoMoor Boulevard, Briarwood and Heather, they're telling me that the equipment is being fired up at 6:15, which is against our Codified Ordinances.

Mayor Perciak – I know, they have called me and said the same thing and that's why we've checked.

Mr. Gallagher – Gentlemen. Mr. Roth, back to your committee, please.

Mr. Walker – Okay, I will talk to them.

Mr. Roth – Okay. That's it.

Mr. Gallagher – Questions for Mr. Roth?

(None)

Mr. Gallagher – And Chief, if you could have a cruiser go by there at six, 6:15, see if this is going on. You didn't get any calls on that, did you, that you know of?

Mr. Roth – The Mayor did.

Mr. Gallagher – Well, the people need to understand, you have to call the police is someone is disturbing the peace. Makes sense. Just do it. That's why they're there. And they'll respond. They've responded for me.

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

Chief Goss – We'll work together with Mr. Walker; get it under control.

Mr. Gallagher – Thank you, Chief.

**COMMITTEE-OF-THE-WHOLE – Mr. Gallagher:** There is no report.

(None)

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

**Mayor Perciak** – Yes, thank you, Mr. President. I have several announcements this evening. First of all, I want to talk about the fire station yesterday. And, again, I want to thank Chief Moody and his entire staff for opening up their new home to our community and for their hospitality and for the efforts put forth for the community of Strongsville. So, again, Chief, thank you. I also would like to thank our Technology Director, John Bedford, for helping us put that program together yesterday and we'll soon be able to view it on our own cable station on Channel 21. And so those of you who did not have a chance to visit our new headquarters fire station, you will have the chance. I also would like to publicly thank again our Building Commissioner, Tony Biondillo, for all the extra effort he put into making certain that our new headquarters fire station was created as per the specs and plans. So thank you, Mr. Biondillo, again, for all your extra work on that.

Mr. Biondillo – Thank you very much.

Mayor Perciak – And to Jennifer Milbrandt for all the outside landscaping, and our Service crew, to make certain that the entire station on the outside was prepared for the grand opening yesterday. And a sincere thank you goes, again, to the entire Catanzarite family for donating the land and, on behalf of our community, we can't thank you enough. And yesterday before we had the official dedication at two o'clock, we had a little private ceremony and we dedicated a garden there on behalf of Mrs. Beatrice Catanzarite. So, I wish the community would go there, kind of look around there and kind of remember Mrs. Catan, a prayer for all the kindness that she has allowed and has done for this City. And, again, thank you to the Catan family.

Item number two I have this evening is that the City of Strongsville applied to the State of Ohio, the Department of Development, for a \$3.4 million grant for the completion of the Foltz Parkway extension. The \$3.4 million grant will be combined with a \$995,000 grant from the Cuyahoga County Department of Development. So we again would like to thank Gene Magocky and Mr. Painter for his efforts in helping prepare all these documents. We'd like to thank our County Commissioners, Tim Hagan, Jimmy Dimora and Peter Lawson Jones for helping us with the \$995,000 grant from Cuyahoga County. And we look forward to State Representative Tom Patton and State Senator Bob Spada giving us a hand in obtaining the \$3.4 million grant for the Foltz Parkway extension.

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

Mayor Perciak (cont'd) - The next item on my list for this evening, and this will come as a surprise to most of you: I had a conversation last night with State Representative Tom Patton and State Senator Bob Spada and, thanks to their efforts in the 2009/2010 capital budget, we are going to receive \$250,000 as we begin to frame budget for a new outdoor pool. So this is hot off the press and we want to thank Senator Spada and State Representative Tom Patton. So this gives us the seed money to start thinking about how we're going to do this, and without their help from the State of Ohio in again obtaining another grant coming home to Strongsville, this effort would not be possible.

And lastly, I also would like to thank the Catan family again. On the Saturday before Mother's Day Southwest General Hospital annually holds their annual Tiara Ball. It was because of the effort of the Catan family again that we surpassed our goal. Three years ago the Semelsberger family, Ken Semelsberger, was the honorary grand chair and raised in excess of \$350,000. Last year, Dr. Pandrangi was the honorary grand chair and raised another \$350,000. This year the Catan family put us over so that now, as a result of our communities coming together, we will be able to donate \$1 million to the Ireland Cancer Center. So, a very successful Tiara Ball and, again, I would like to thank the Catan siblings for coming together and helping us cross this \$1 million mark at Southwest Community General Hospital so that our Ireland Cancer Center there will be able to help our residents. So, again, a thank you to not only the Catan family, but to everybody who participated in Tiara Ball and to all the committees who helped make that a success.

Thank you, and that's the end of my report.

Mr. Gallagher – Thank you, Mayor. Good news. Any questions for the Mayor?

(None)

**FINANCE DEPARTMENT:** Mr. Gallagher – Mr. Batke is not here, so I am instructed to say the following: Funds will be made available for all of the ordinances and resolutions on this evening's agenda requiring certification of funding and scheduled for adoption. Not as good as Mr. Batke, but as good as I could be. Thank you, Mr. Vassil. Any questions for myself that I could help Mr. Batke on?

(None)

**LAW DEPARTMENT – Mr. Kolick:** Thank you, Mr. Gallagher. As far as the Law Department's report is the Charter Review Commission that has been working for a number of months has now completed its initial work. There are five recommendations for amendments to the Charter. I would anticipate they will be presented to this Council at its first meeting in June, which I believe is June 2<sup>nd</sup>.

The second item I have is the Federal District Court has set dates in the Zerman litigation. We have a status hearing on May 30<sup>th</sup>, final pretrial on July 28<sup>th</sup>, and a trial date of August 4<sup>th</sup>. Either myself or Mr. Kraus will keep Council advised as to the status of that litigation.

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

Mr. Kolick (cont'd) - The third item is, you'll recall on that LaFrance ambulance/rescue/pumper and LaFrance went into bankruptcy; they have agreed to vitiolate their contract, but it's still subject to bankruptcy court approval and we're waiting for that. I'll keep you advised as to the status of that. Thank you.

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

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – Next on the agenda is Audience Participation. No one has signed in. Is there anybody in the audience wishing to address Council this evening? Mr. Vassil.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. Back about a year ago Council voted down a change in zoning on Westwood. I understand you lost the court battle with them. I have a couple quick questions. Number one, Councilman Roth complains about Atlantic Tool and Die; this housing development is going to butt right up against it, it's going to butt up against the truck line, there is a lot of noise, a lot of trucks. And that parcel of property, the entire parcel, is at least four feet below street level. How are they going to get the water out? The water's flooded there many, many times. Now, how are you going to build houses there? Does anybody have an idea?

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – That's a question that will be answered through the Planning Commission.

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth, it's his time.

Mr. Roth – Okay, I'm just responding to him, though.

Mr. Gallagher – You know what, go ahead; because it's your ward, go on.

Mr. Roth – Yeah, well I'm not going to give him any answers because it all went through the courts.

Bill Vassil – I know that.

Mr. Roth – But I just wanted you to know that I'm not speaking against Atlantic Tool and Die at all; trying to make sure they stay right where they're at. They've cooperated.

Bill Vassil – Well, what I'm saying is that they're going to complain about noise, and they work twenty four hours a day.

**AUDIENCE PARTICIPATION:**

Mr. Roth – That was one of many items over ten years discussed deep into the night.

Bill Vassil – Well, I agree. And then with the trucks that we have, they're going to make a lot of noise, and we're getting more trucks every month. So, you know, we all came up here when that – I have friends that live right there, right at the bend, and they get flooded about every two years.

Mr. Roth – Myself and the rest of Council took it as far as we could go.

Bill Vassil – I know that, I understand that. But I'm just saying Ryan doesn't – I don't know. I just don't understand it. I hope that the word gets out and they don't sell any of them.

Mr. Gallagher – Thank you, Mr. Vassil. Anyone else in the audience wishing to discuss anything with Council?

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2008-093** by Mayor Perciak and Mr. Haseley. AN ORDINANCE AMENDING SECTION 1262.04 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE REGARDING MAIN USES IN GENERAL INDUSTRIAL DISTRICTS. 1<sup>st</sup> rdg: 4-21-08.

Motion by Mr. Kaminski, second by Mr. DeMio, to amend the Ordinance by substitution with a revised version further amending in Section 1262.04(a)(1) to insert the words, '*with the exception of veterinarians' offices, animal hospitals and kennels.*' All members present voted aye and the motion to amend carried.

**Second reading. Referred to Planning Commission, as amended, and to the Planning, Zoning and Engineering Committee.**

**Ordinance No. 2008-102** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE OHIO ENTERPRISE ZONE AGREEMENT BY AND BETWEEN THE CITY OF STRONGSVILLE AND WORLD ALMANAC EDUCATION GROUP, INC. TO REDUCE THE NUMBER OF NEW FULL-TIME PERMANENT JOB OPPORTUNITIES, REDUCE THE ADDITIONAL ANNUAL PAYROLL, AND TO REDUCE THEIR PERSONAL PROPERTY TAXES FOR 2007 AND THEREAFTER, AND DECLARING AN EMERGENCY. 1<sup>st</sup> rdg: 5-5-08.

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

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

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

**Ordinance No. 2008-102 ADOPTED.**

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

**Resolution No. 2008-112** by Mayor Perciak and Mr. Haseley. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR THE CONSTRUCTION AND INSTALLATION OF AN ABOVE-GROUND TELEPHONE CABINET AND POWER CABINET IN A UTILITY EASEMENT LOCATED AT 15939 DRAKE ROAD IN THE CITY OF STRONGSVILLE.

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

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

**Roll Call: Ayes: DeMio, Kaminski, Gallagher, Haseley, Daymut.**

**Nays: Roth.**

**Motion carries.**

**Resolution No. 2008-112 ADOPTED.**

**Resolution No. 2008-113** by Mayor Perciak and Mr. Kaminski. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY AND WAIVING THE TRANSFER FEE. (Kroupa/Bennett's Corner Church)

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

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

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

**Resolution No. 2008-113 ADOPTED.**

**Ordinance No. 2008-114** by Mayor Perciak. AN ORDINANCE ESTABLISHING THE MAXIMUM NUMBER OF UNIFORMED OFFICERS IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

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

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

**Ordinance No. 2008-114 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

**Application for Liquor Permit – NEW – D5 – To: KP Pearl LLC, 13339 Pearl Road**, Strongsville, OH 44136. (Responses must be postmarked no later than 06/02/2008)

Mr. Gallagher – Are there any objections?

Mr. Daymut – Move to object, and I would defer to Mr. Kolick for the correct verbiage.

Mr. Gallagher – Mr. Kolick.

Mr. Kolick – Mr. Chairman, it should be an objection to the issuance of the permit pending resolution of the property/safety/code violations with the objection to be withdrawn if and when the Building Department reports that all property/safety/code violations have been resolved.

Mr. Roth – Second.

Mr. Gallagher – Motion by Mr. Daymut, seconded by Mr. Roth. Call the roll, please.

Roll Call: All ayes. Motion carries.

**MISCELLANEOUS BUSINESS:**

Mr. Gallagher – Anything miscellaneous?

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just respectfully would like to tell you that the residents on Idlewood Trail did call the police first.

Mr. Gallagher – Did they respond, or?

Mr. Roth – They call the Mayor and myself afterwards, so I don't know what's happening there.

Mr. Gallagher – Okay, if we can get together with the Chief on that.

Mayor Perciak – We'll get in front of this. He's aware of it.

Mr. Roth – Okay.

Mr. Gallagher – Okay. Anything further, gentlemen, ladies?

(No comments)

**ADJOURNMENT:**

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:35 p.m.

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

June 2, 2008  
Approval Date