

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON MAY 5, 2008**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Municipal Building, 18688 Royalton Road, on **Monday, May 5, 2008 at 7:15 p.m.**

**Present: Council Members:** Patrick J. Coyne, 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, Law Director Kenneth A. Kraus, Finance Director Donald C. Batke, Service Director Joseph M. Walker, Communication and Technology Director John Bedford, City Engineer Ken Mikula, Building Commissioner Anthony J. Biondillo, Recreation Director Stephen F. Kilo, Fire Chief Robert Moody and Deputy Police Chief Jim Kobak.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering Committee: Chairman Haseley reported that Planning Commission gave a favorable recommendation to Ordinance 2008-072 on April 24<sup>th</sup>; therefore, the Ordinance will be placed on second reading this evening, set for Public Hearing on June 16<sup>th</sup>, and referred back to committee. He recommended suspension and adoption for Ordinance 2008-099, accepting the plat of Ruggiero Subdivision for recording purposes only; and for Ordinance 2008-100, accepting a grant of easement for storm water drainage purposes in connection with Ruggiero Subdivision.

Mr. Haseley advised that Assistant Law Director Kolick requested that Council look at the requirements for homeowners associations' recreational facilities. There is one association that wants to eliminate its tennis courts altogether and not replace it with another recreational facility, as the City's code requires. Mr. Haseley personally feels that if the City allows one association to do this, it will open the door for any other association to act similarly. Many of the council members felt that as time passes recreational choices change; however, when residents buy into the associations they are also buying into the recreation that is offered. Mr. Kraus asked Council members whether they had received a memo to this effect from Mr. Kolick. The Council members did not. Council President Gallagher stated he received a letter from Mr. Kolick about this with a request that the issue be referred to the Planning, Zoning and Engineering Committee. The Mayor suggested that we bring Mr. Kolick in to discuss this issue with the Council. After a bit more discussion, it was determined that Council wishes to hold the homeowners associations to their responsibility under the code. Mr. Haseley will convey Council's decision to Mr. Kolick.

Economic Development and Technology Committee: Chairman Daymut recommended suspension and adoption for Resolution 2008-101, approving and accepting the recommendations of the City's Tax Incentive Review Committee. He recommended that Ordinance 2008-102, entering into an amendment to the Ohio Enterprise Zone Agreement between the City and World Almanac Education Group, Inc., be placed on first reading this evening and referred back to committee pending execution of the agreement by World Almanac.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinances 2008-103, to enter into a contract and render payment for the purchase of a replacement voice recording system for the Police and Fire Departments. The system previously purchased experienced significant and continuous problems and it was necessary to immediately replace it with another system. Since this Ordinance was not publicly bid, it requires a unanimous favorable vote of the Council for adoption. Suspension and adoption was also recommended for Ordinance 2008-104 for the purchase through state contract of a new aerial ladder truck for the Fire Department. Mr. DeMio noted that this purchase was included in the budget. Mr. DeMio also recommended suspension and adoption for Ordinance 2008-106, amending sections of the City's animal code to provide for an administrative hearing and appeal process with respect to classification of a dog as vicious or dangerous.

Mr. DeMio asked the Mayor if he would still like him to hold off on the scheduling of the next Public Safety Committee meeting. The Mayor replied in the affirmative. A meeting will be scheduled later in the month of May to discuss the renovation and addition to the police facility.

Public Service and Conservation Committee: Chairman Kaminski recommended suspension and adoption for Ordinance 2008-106 for the purchase of a new Turf Tiger mower for the Service Department and for the sale and trade-in of various existing obsolete equipment, without public bidding. Mr. Kraus noted that the ordinance requires a unanimous favorable vote by Council for adoption. Mr. Kaminski also stated he will move to amend the agenda this evening to add Ordinance 2008-111 to enter into a contract with Fabrizi Trucking and Paving Co. for intersection improvements in connection with the Howe/Drake Intersection Improvement Project. Mr. Walker reported that bids for this project were opened on Friday; there were six bidders and Fabrizi was the lowest and best bidder. Mr. Walker noted that passage of the ordinance this evening gives us a two week jump on the project. The Mayor interjected that he is pleased with Fabrizi's bid, which was lower than expected for the project, and we are anxious to get the project moving.

Finance Committee: Chairman Coyne recommended suspension and adoption for Ordinance 2008-107, to participate in state contract for the lease of two digital mailing meter systems, including accessories, maintenance, service and training, for use by various departments. Mr. Batke noted that we have been using an older postage meter system that doesn't have the capabilities of the new digital system. The term of the lease is sixty months. The Mayor agreed and stated the new system is offered at a good price.

Committee-of-the-Whole: President Gallagher recommended suspension and adoption for Ordinance 2008-108, an amendment to Section 3 of Ordinance 2006-224 concerning the appropriation of funds in connection with the Old Town Hall renovation and restoration, and for Ordinance 2008-109 to approve changes orders for increases in the contract price in connection with improvements to the Old Town Hall. Mr. Roth stated he is not in support of these two ordinances and feels the City has no business spending this amount of money on the Old Town Hall facility at this time when there are other priorities that should be addressed. Mr. Coyne stated now is the time to do this project; waiting will only increase the price. He feels that Council represents their constituents and the constituents are in favor of the project. The Old Town Hall is in disrepair and it is our responsibility to fix it.

Mr. Kaminski stated he agrees with Mr. Coyne; however, he is not happy about the price increases. Mr. Coyne stated he is not happy about the increases either, but we are already into the project and it must be completed. Mr. Roth believes the scope of the project has changed dramatically and reiterated that he is definitely against it. Mr. Gallagher advised Council members to vote their conscience. President Gallagher also recommended suspension and adoption for Resolution 2008-110, approving the application of Handle Hills Farm LLC to place land in an Agricultural District. Mr. Daymut noted there are two other farms in that particular area that have placed their land in an Agricultural District.

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Mr. Daymut urged the Mayor and Council members to attend a meeting with neighboring communities concerning the Turnpike, to be held on Wednesday, May 14<sup>th</sup>, at 7 p.m. in the Senior Center.

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## **MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON MAY 5, 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, ladies and gentlemen, to the Monday, May 5, 2008 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:** Patrick J. Coyne, 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; Kenneth A. Kraus, Law Director; Donald C. Batke, Finance Director; Joseph M. Walker, Service Director; Robert Moody, Chief of Fire; James Kobak, Deputy Chief of Police; John Bedford, Communication and Technology Director; Ken Mikula, City Engineer; Anthony J. Biondillo, Building Commissioner; and Steve Kilo, Recreation Director.

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Motion was made by Mr. Kaminski and seconded by Mr. DeMio to amend the agenda by adding Ordinance No. 2008-111. All members present voted aye and the motion carried.

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**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting held on April 7, 2008 and the Minutes of the Regular Council Meeting held on April 21, 2008 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

Mr. Gallagher - This evening, Mayor, do you have any appointments?

Mayor Perciak – I've got some special awards this evening, Mr. President.

Mr. Kaminski – Okay, this evening we have with us several high school wrestlers that live in the City of Strongsville that have distinguished themselves this year with their wrestling. So what we'd like to do is call each one of them up and present them with an award. The first one, David Bolger; come on up.

(Applause)

Mr. Kaminski – And Dave, will you come up here and face the camera so everyone at home can see you, and we'll go ahead and read this award. David Bolger, as a junior at Strongsville High School who, in the 112 pound weight class placed 2<sup>nd</sup> at the 2008 NOC Tournament – All Valley Division, was the 2008 Champion at the Medina Sectional Tournament, placed 3<sup>rd</sup> at the 2008 Massillon Perry District Tournament, and placed 6<sup>th</sup> at the 2008 Ohio State Wrestling Tournament (Division 1), finishing the season with a 43-9 Varsity record, thus distinguishing the City of Strongsville. Congratulations, David; good job.

(Applause)

Mr. Kaminski – Okay, next one; Dominic Jontony, come on up.

(Applause)

Mr. Kaminski – All right. Dominic, as a senior at Strongsville High School who, in the 189 pound weight class, placed 2<sup>nd</sup> at the 2008 NOC Tournament – All Valley Division, placed 2<sup>nd</sup> at the 2008 Medina Sectional Tournament, placed 3<sup>rd</sup> at the 2008 Massillon Perry District Tournament, and was a 2008 qualifier at the Ohio State Wrestling Tournament (Division 1), finishing the season with a 42-7 Varsity record, thus distinguishing the City of Strongsville. Congratulations, Dominic.

(Applause)

Mr. Kaminski – Okay. Harrison Hightower, come on up.

(Applause)

**APPOINTMENTS AND CONFIRMATIONS (cont'd):**

Mr. Kaminski – Okay. Harrison Hightower, as a sophomore at the University School who, in the 130 pound weight class, placed 2<sup>nd</sup> at the North Canton Wrestling Tournament, placed 7<sup>th</sup> at the Brecksville Holiday Tournament, placed 3<sup>rd</sup> at the Top Gun Wrestling Tournament, and was the 2008 Champion for Lake Catholic Division II Sectional Tournament, was the 2008 Champion at the Firestone Division II District Tournament, and was the 2008 Champion at the 2008 Ohio State High School (Division II) Wrestling Tournament – outstanding. Harrison finished the season with a 42-8 record and was named The Plain Dealer 2007-2008 First Team Wrestler, thus distinguishing the City of Strongsville. Congratulations, Harrison.

(Applause)

Mr. Kaminski – And we have one other special award this evening and this is actually for a young man who goes to Ohio State University who lives in the City of Strongsville. He cannot be with us because of his class schedule this evening; however, his dad, Big Al Pucillo, is here with us and he is here to accept this award on his behalf.

(Applause)

Mr. Kaminski – This special award goes to Mike Pucillo, as a sophomore at Ohio State University who, in the 184 pound weight class, was named Captain for both his freshman and sophomore teams and was named an All American Wrestler in both his freshman and sophomore years. Mike is the 7<sup>th</sup> wrestler in the history of Ohio State to receive this designation as a freshman. He was also named an Academic All American, maintaining a GPA of over 3.0. Under OSU Head Coach Tom Ryan, Mike became the 2008 Big Ten Champion and the 2008 NCA Division I National Champion, gaining his final season victory over an undefeated wrestler from Iowa State. Mike finished his sophomore year with an outstanding record of 30-0, thus distinguishing the City of Strongsville. Congratulations.

(Applause)

Mr. Kaminski – And Mike Haxton could not be here this evening, but I would like to recognize Mike Haxton. He is also a senior from Strongsville High School and he was at the 145 pound weight class. He was the Champion at the NOC Tournament – All Valley Division, and was the 2008 Champion at the Medina Sectional Tournament; he placed 3<sup>rd</sup> at Massillon Perry, and was a 2008 qualifier at the Ohio State Tournament. And he had a 35-12 Varsity record, thus distinguishing the City of Strongsville. So, again, congratulations to Matt Haxton.

(Applause)

Mayor Perciak – Thank you. Thank you, guys.

Mr. Gallagher – Is that all you have this evening, Mayor?

Mayor Perciak – Yes.

Mr. Gallagher – Thank you. Thank you, gentlemen.

**PUBLIC HEARING:**

**Application for Placement of Farmland in an Agricultural District for Handle Hills Farm LLC, 11244 Handle Road, Strongsville, Ohio. (Application received by the Clerk of Council's Office on April 16, 2008.)**

Council President Gallagher opened the Public Hearing on the Application for Placement of Farmland in an Agricultural District and invited anyone wishing to speak **IN SUPPORT** of the Application to approach the podium at this time and address City Council.

(No comments)

President Gallagher invited anyone wishing to speak **IN OPPOSITION** to the Application to approach the podium and address Council.

(No comments)

Hearing no comments in regard to the Application, Council President Gallagher declared the Public Hearing on said Application closed.

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher:** The Annual Tiara, Mayor, is Saturday evening; it's being hosted this year by the Catan family and I'm sure tickets are still available if there are any...

Mayor Perciak – Mr. President, it is completely sold out.

Mr. Gallagher – It's sold out. It must have been my ticket that did it.

Mayor Perciak – I look forward to being there.

Mr. Gallagher – Good. I'll be in the tux. Next meeting is May 21<sup>st</sup> at the Hospital; I'll be in attendance.

**SCHOOL BOARD – Mr. Roth:** Thank you Mr. Gallagher. There will be a report forthcoming after the next School Board meeting.

Mr. Gallagher – Any questions for Mr. Roth?

(None)

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** I will be having a Rec meeting this Friday at 8:30 a.m. at the Rec Center. Anyone wishing to attend, it will be in Mr. Kilo's office. Any questions?

(None)

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

**PUBLIC SERVICE AND CONSERVATION – Mr. Kaminski:** Yes, Public Service met this evening, discussed two ordinances: Ordinance 2008-106, the purchase of a new mower for the use of the Service Department, recommendation is suspension and adoption; and the second, Ordinance 2008-111 for intersection improvements on Howe and Drake, that is also suspension and adoption. And that completes my report.

Mr. Gallagher – Questions for Mr. Kaminski?

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Just within this committee. Still have – if we could address, we still have chuck holes from last year on Albion, Main Street, South Drive, Evergreen, Worthington Park, central Jonathan, Eastland and The Winds.

Mr. Kaminski – We'll mark those down, have Mr. Walker take a look at those, but they've been out filling holes for several weeks now.

Mayor Perciak – Mr. President.

Mr. Gallagher – Mr. Mayor.

Mayor Perciak – Mr. Roth. Joe, would you care to comment on that? I think we received a bulletin on that or some type of memo, did we not? I thought we had a conversation with Mark about that.

Mr. Walker – Well, we've received Action Requests on that. As we spoke earlier, at the last meeting, I believe it was, Main Street is scheduled to be repaved so we're not going to be doing any patching there as of yet; Strongsville Boulevard is on the list to be repaved, that's why that road is not being completed, and we have had two different crews over in your ward, Mr. Roth, now for about the last four weeks working in different various areas. So, we're doing the best we can.

Mr. Roth – Okay, thank you. If you could just note the five or six that I mentioned there, there are bad chuck holes there, so before someone gets hurt on Albion or Eastland or South Drive or whatever, Evergreen, I'd like to get them addressed. Thank you.

Mr. Kaminski – Okay.

Mr. Gallagher – Is that all, Mr. Kaminski?

Mr. Kaminski – That would be it.

Mr. Gallagher – I'd like to make a comment, if I could. Mr. Walker, we had some substantial rains this weekend and, as far as I know, we had no flooding reports.

Mr. Walker – That is correct, yes.

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

Mr. Gallagher – I'd like to thank you and your crew; thank you very much. That's a reflection on all of you and it reflects on all of us.

Mr. Walker – I'll pass that on to the men and women that do the work. Thank you.

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

(None)

**PUBLIC SAFETY – Mr. DeMio:** Thank you. We have three Ordinances tonight; 2008-103, 104 and 105. 103 is the video recording system that will comport with the police and fire; hopefully, we'll have full support on that. The other two; 2008-104 is the new aerial ladder for the Fire Department, which, hopefully, will be here by the end of the year; and, finally, 105 is basically the additions to the vicious dog ordinance to comply with the State of Ohio, allowing for an appeal process for those residents who wish to do so. But other than that, I don't have anything else on the agenda and I thank everyone for their input in the caucus room. Thank you, Mike.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

**PLANNING, ZONING AND ENGINEERING – Mr. Haseley:** Thank you Mr. Gallagher. Planning, Zoning and Engineering met this evening with the following recommendations: Ordinance 2008-072, place on second reading, set for a public hearing June 16<sup>th</sup>, back to committee; Ordinance 2008-099, accepting for recording purposes the plat of Ruggiero Subdivision, recommendation is to suspend and adopt; Ordinance 2008-100, granting of an easement for that particular subdivision, 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?

(None)

**FINANCE – Mr. Coyne:** Thank you Mr. Gallagher. The Finance Committee met this evening to discuss Ordinance 2008-107, an ordinance requesting participation in the Ohio Department of Administrative Services for the lease of two digital mailing meter systems with accessories; so our recommendation was to suspend and adopt. If there are any other questions, I'd be more than glad to answer them at this time.

Mr. Gallagher – Questions for Mr. Coyne?

(None)

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:** Thank you Mr. Gallagher. We did meet this evening and gave favorable recommendation to Resolution 2008-101 and recommended that Ordinance 2008-102 be placed on first reading.

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

Mr. Daymut (cont'd) – I'll give a brief report of our meeting of Monday, April 28<sup>th</sup>, at 7 p.m. here in Council Chambers. Our next breakfast meeting will be June 19<sup>th</sup>, we are looking for a sponsor and a speaker for that particular breakfast; if anybody would like to sponsor that please contact myself or Gene Magocky and hopefully we will have someone in place before the next meeting; we'll get back to you on that. Tech Committee, we received a report from Ed Oliveros, he's very active concerning our Technology Park. We did discuss our business survey, retail; on May 16<sup>th</sup> the Chamber of Commerce and Greg Davis from Ohio State and Richard Pinkerton, Dr. Pinkerton, from our committee will be having a focus group to develop that questionnaire; as soon as it is developed I will provide those to the Mayor, questions to the Mayor and all of Council for their review. Discussed new businesses locating in the City of Strongsville. The final leg of the Foltz extension for our Technology Park; I'd like to thank the Mayor and Gene Magocky, I understand the county has now committed \$975,000 towards that project and hopefully we will receive the rest through state grant money. And I understand, Mayor, you were down there lobbying for us.

Mayor Perciak – Yes, I was.

Mr. Daymut – And we appreciate that. If we can continue that, we can have the Technology Park somewhat fashioned, as the State is looking for technology now to take over our industrial base. We discussed incubator businesses here in the City of Strongsville; the Lorain Community College has a very active program with their GLIDE and we'll discuss that at a future meeting. And that's all I have.

Our next meeting will be Tuesday, May 27<sup>th</sup>, because of the Memorial Day holiday. And that's all I have this evening, Mr. Gallagher. Thank you very much.

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

Mayor Perciak – Mr. President, just one comment for Mr. Daymut.

Mr. Gallagher – Mayor.

Mayor Perciak – Governor Strickland is doing everything he can to promote business in the State of Ohio and his administration has been very receptive to us when we do visit in Columbus. Plus, the Governor has on the table a \$1,500,000,000 jobs bill and he's received bipartisan support for it and, on our part, we're doing all we can because in there there are dollars available for infrastructure improvements in all our communities. So I personally would like to commend the Governor and the administration for trying to help all of us in the State of Ohio. And his administration is being very receptive to as many requests that they can honor for us. Thank you.

Mr. Gallagher – Thank you, Mayor. Any other questions for Mr. Daymut?

(None)

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

**BUILDING AND UTILITIES – Mr. Roth:** Thank you Mr. Gallagher. Simply, tonight I'd like to just see Action Requests that in the last couple of months I've put forth before the Administration and recent comments at recent Council meetings addressed, for the people's sake, and – such as buffering and noise pollution and other outstanding requests out there.

And, number two, if the City Engineer or anyone within the Building Department wants to have a storm water meeting I will be glad to conduct one. But I'll tell you right now, I've drawn a line personally, as many residents of this City have, to no more taxes within this community, and any unfunded mandates that come our way, I would suggest we send them back because the sand – the line is in the sand. There are too many people in this community who are suffering, who can't keep up with the six, seven utilities that are exponentially rising; state, federal and local increases, schools, you name it. Sewer, water -- they're being hit from all ends -- gas, gasoline, food. And, believe me, their wages, their pensions and their Social Security are not going up by the same factors. So they're suffering and we have to do everything we can to hold the line, live within our means, and if we get any unfunded mandates, forget it from me. But if you want to have a storm water meeting, I'll be glad to conduct one.

And the southeast corner strip mall in my ward, it's ridiculous; unsightly. No strip mall anywhere else in the City has signage that's ridiculous like that on the front of every window.

Mr. Gallagher – Mr. Roth, Buildings and Utilities, please, and...

Mr. Roth – Okay, well this is...

Mr. Gallagher – Did you file a complaint with Mr. Biondillo?

Mr. Roth – This is property maintenance. I've been bringing up the fact that the parking lot's been used as a used car parking lot; there are cars for sale every weekend.

Mr. Gallagher – Did you file a complaint with Mr. Biondillo?

Mr. Roth – Yes. Signage; the grass, again, is eighteen inches high. I mean, I shouldn't have to, every two months, go through this.

Mr. Gallagher – Mr. Biondillo, do you have that complaint?

Mr. Biondillo – Yes, we do have an Action Request for that property on several different issues; the newer ones with the vehicles being for sale are going to be taken care of.

Mr. Gallagher – Could you get together with Mr. Roth on that at your leisure, please?

Mr. Biondillo – Correct.

Mr. Roth – That's all, Mr. Gallagher.

Mr. Gallagher – Questions for Mr. Roth?

(None)

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

**COMMITTEE-OF-THE-WHOLE – Mr. Gallagher:** This evening we have Ordinances 2008-108 and 109 dealing with the Old Town Hall; recommendation is suspension and adoption, vote your conscience. And Resolution 2008-110, once again, suspension and adoption, vote your conscience. Any questions regarding those?

(None)

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

Mayor Perciak – Thank you, Mr. President. This evening, a couple things. First of all, Sunday is Mother's Day and we would like to wish all the mothers here in our audience and at home a Happy Mother's Day and I hope that all of our kids, no matter how old they are, remember their moms on Sunday.

Secondly, an announcement about Tree City, USA. The City was awarded Tree City, USA award for the thirteenth consecutive year and for the ninth year we received a growth award. The above awards were presented by the State of Ohio Department of Natural Resources on behalf of the National Arbor Day Foundation. As a point of information, in 2007 the City planted over 665 trees and this year so far, in 2008, we planted 200 trees -- that is already done -- and we anticipate planting a total of 700 trees this year. So we're definitely trying to keep Strongsville as green as possible. And I also would like to especially thank the Strongsville Rotary that donated over 1,000 seedlings to all of Strongsville's second graders on Arbor Day; quite a significant task. And, again, the Rotary stepped up to the plate and we thank them for their efforts. And I'd also like to especially thank the Albion Middle School, who helped with our annual Arbor Day celebration on Friday, April 25<sup>th</sup>. And to the Strongsville Women's League, who donated the tree that was planted at Albion Junior High School.

And lastly, I have been told by Mr. Kilo that Mr. --- young Master Jack Berney did, in fact, accomplish his goal, has won the Diamonds in the Rough, the \$10,000 prize, plus all the extra gratuities that come with it. So, as of now, the tentative date to accept the prize and the award and to honor young Jack is scheduled for June 24<sup>th</sup> at 2 p.m. So, unless there is a change in that, we'll let you know, but that's going to be 2 p.m. June 24<sup>th</sup>. What diamond, Steve?

Mr. Kilo – That's going to be over at the main – over at Rec Park 1.

Mayor Perciak – At Rec Park 1, Cross and Finley. And, again, congratulations to young Mr. Jack. Thank you.

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

(None)

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

**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 up for adoption. Thank you.

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

(None)

**LAW DEPARTMENT – Mr. Kraus:** Yes, thank you, Mr. President. All ordinances and resolutions before City Council this evening are in proper legal form.

I'd like to further report that the Charter Review Committee will be conducting another meeting next Monday evening, May 12<sup>th</sup>, at seven o'clock p.m. in the Mayor's Conference Room to consider up to five ordinances recommending various possible Charter amendments to this Council. This may be the last meeting of the Charter Review Committee.

And, finally, I'd like to report that the litigation pending in Common Pleas Court with respect to the possible ring road at Renaissance Park, case known as Home Depot and other parties vs. Lowe's, Lewansky and other parties, that the trial of that matter has been continued from this month, May, until September by the Common Pleas Court. Thank you, Mr. President.

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

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – This is the time in the evening for Audience Participation. Anyone in the audience who would like to make a comment to the Council, you're more than welcome. There is no one signed in. Anyone?

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2008-072** by Mayor Perciak and Mr. Haseley. AN ORDINANCE AMENDING SECTION 1252.22 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN CONNECTION WITH AREA REQUIREMENTS FOR PRIVATE GARAGES. 1<sup>st</sup> rdg: 4-7-08. Favorable recommendation by Planning Commission 4-24-08.

**Second reading; referred to Planning, Zoning and Engineering Committee.  
Public Hearing set for June 16, 2008.**

**Ordinance No. 2008-099** by Mayor Perciak and Mr. Haseley. AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF RUGGIERO SUBDIVISION IN THE CITY OF STRONGSVILLE, 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. 2008-099 ADOPTED.**

**Ordinance No. 2008-100** by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR STORM WATER DRAINAGE PURPOSES, IN CONNECTION WITH RUGGIERO SUBDIVISION, 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. 2008-100 ADOPTED.**

**Resolution No. 2008-101** by Mayor Perciak. A RESOLUTION APPROVING AND ACCEPTING THE RECOMMENDATIONS OF THE CITY'S TAX INCENTIVE REVIEW COUNCIL FOR 2008, 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. Resolution No. 2008-101 ADOPTED.**

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

**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.

**First reading; referred to Economic Development and Technology Committee.**

**Ordinance No. 2008-103** by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING ORDINANCE NO. 2005-233 AND AUTHORIZING AND APPROVING THE MAYOR ENTERING INTO A CONTRACT AND RENDERING PAYMENT FOR THE PURCHASE OF A REPLACEMENT VOICE RECORDING SYSTEM, WITHOUT PUBLIC BIDDING, FOR USE BY THE CITY'S POLICE AND FIRE DEPARTMENTS, 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. 2008-103 ADOPTED.**

**Ordinance No. 2008-104** by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF ONE (1) NEW FIRE AERIAL LADDER TRUCK FOR USE BY THE FIRE DEPARTMENT WITH THE SALE, TRADE-IN AND CREDIT FOR AN EXISTING OBSOLETE FIRE TRUCK, 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. 2008-104 ADOPTED.**

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

**Ordinance No. 2008-105** by Mayor Perciak and Mr. DeMio. AN ORDINANCE AMENDING SECTIONS 618.17 AND 618.18 OF CHAPTER 618 OF PART SIX-GENERAL OFFENCES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO PROVIDE FOR AN ADMINISTRATIVE HEARING AND APPEAL WITH RESPECT TO CLASSIFICATION OF A DOG AS DANGEROUS OR VICIOUS, AND CLARIFYING CERTAIN PENALTIES WITH REGARD THERETO, 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. 2008-105 ADOPTED.**

**Ordinance No. 2008-106** by Mr. Kaminski. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A NEW TURF TIGER MOWER FOR USE BY THE CITY SERVICE DEPARTMENT AND FOR THE SALE AND TRADE-IN OF VARIOUS EXISTING OBSOLETE EQUIPMENT, AND TO HAVE THE SALE PRICE APPLIED TO THE PURCHASE PRICE, WITHOUT PUBLIC BIDDING FOR SUCH SALE, 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. 2008-106 ADOPTED.**

**Ordinance No. 2008-107** by Mayor Perciak and Mr. Coyne. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE LEASE OF TWO DIGITAL MAILING METER SYSTEMS INCLUDING ACCESSORIES, MAINTENANCE, SERVICE, AND TRAINING FOR USE BY VARIOUS DEPARTMENTS OF THE CITY, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Motion by Mr. 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. 2008-107 ADOPTED.**

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

**Ordinance No. 2008-108** by Mayor Perciak and All Members of Council. AN ORDINANCE FURTHER AMENDING SECTION 3 OF ORDINANCE NO. 2006-224 CONCERNING THE APPROPRIATION OF FUNDS IN CONNECTION WITH THE RENOVATION AND RESTORATION OF THE OLD TOWN HALL, 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.**

Mr. Gallagher – Discussion?

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – The City has no business spending this kind of exorbitant money on the Old Town Hall, especially as much as I want to save it. Six hundred and fifty thousand dollars. It's changed dramatically since we got into this, which I don't think is legitimate; certainly, I think the amendments, upgrading, most of them don't hold water and are not justified, they're not safety related, most of them. For – Should – We should be spending more money on a dozen streets in my ward before – that are in deplorable condition – before we spend three quarter of a million dollars on upgrading the Old Town Hall, all within the last six months of this year. It's a matter of prioritization of dollars and there is no attempt whatsoever to do this in phases or spread it out, and it's putting a burden on anywhere else in the budget by doing it, six hundred and fifty thousand dollars right now. And I am totally against this. That's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. Your vote?

Ms. Seefried – I didn't call the roll yet.

Mr. Gallagher – Oh, I'm sorry. Call the roll, please.

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

**Nays: Roth.**

**Motion carries.**

**Ordinance No. 2008-108 ADOPTED.**

**Ordinance No. 2008-109** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE, APPROVE AND RATIFY CHANGE ORDERS NO. 1 AND 2 FOR INCREASES IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND ROETZEL CONSTRUCTION, INC. IN CONNECTION WITH IMPROVEMENTS TO THE OLD TOWN HALL, 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.

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

**Ordinance No. 2008-109 (cont'd):**

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

**Roll Call: Ayes: Coyne, DeMio, Kaminski, Gallagher, Haseley, Daymut.  
Nays: Roth.  
Motion carries.**

**Ordinance No. 2008-109 ADOPTED.**

**Resolution No. 2008-110** by Mayor Perciak and All Members of Council. A RESOLUTION APPROVING THE APPLICATION OF HANDLE HILLS FARM LLC TO PLACE LAND IN AN AGRICULTURAL DISTRICT.

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. 2008-110 ADOPTED.**

**Ordinance No. 2008-111** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR INTERSECTION IMPROVEMENTS IN CONNECTION WITH THE HOWE-DRAKE INTERSECTION IMPROVEMENTS C.R.-105 PROJECT IN THE CITY OF STRONGSVILLE, 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. 2008-111 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

**Application for Liquor Permit – NEW – C1-C2 – To: Wal Mart Stores East LP, dba Store 2266, 8585 Pearl Road, Strongsville, OH 44136.** (Responses must be postmarked no later than 05/16/2008)

Mr. Gallagher – There is no objection from Police or Building; does anyone on Council have a concern?

(No comments)

Mr. Gallagher – Hearing none; Leslie, if you would notify the Liquor Control.

***There were no objections by Council to the above application.***

**MISCELLANEOUS BUSINESS:**

Mr. Gallagher – Miscellaneous business?

Mr. Roth – Yes, Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – I'd like to thank all of Council and everyone within the City for their prayers and their comments, especially their prayers, for my second grandchild, who has had severe health problems and still does, down in Florida. But, hands and arms are remaining within the Roth rollercoaster until it comes to a complete stop because last night I became a grandfather for the third time.

All – Congratulations.

Mr. Roth – Thank you.

Mr. Gallagher – Congratulations, Mr. Roth. I have a comment, Mark. The Council, along with you, is very concerned about finances with everybody in the City and, in particular, the elderly that have a hard time and struggle. But where would we be had this Council not done the unpopular maneuver to gather more money for streets and roads and everything else? And though we appreciate and respect your position, your continuous requests to do more and more, yet we're the ones to put it in. And, as you can see, like I told you, Strongsville Boulevard isn't getting done because of you or me, it's getting done because of your Council fellows up here and the Mayor approving it.

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – We're working hard, we're working on the hard issues. We worked on a hard issue regarding flooding; we had no water this weekend and only two other weekends that I can remember and this Council Chamber was full of people – full of people, and there's not one up here today. And that's a reflection on you and me, Joe Walker and everybody in this City that took control of this, and this Mayor that put us forward. So, what I want to say to you is we understand, you're not alone; your concerns don't stand by themselves, we all stand here with you. Things are getting done because we work together.

Mr. Roth – Mr. Gallagher?

Mr. Gallagher – Yes, sir.

Mr. Roth – I appreciate that. You know, really what's happening here, you know, on the budget, I disagree with the rest of Council.

Mr. Gallagher – We respect that.

Mr. Roth – And I respect yours, your view. And, you know, I disagree on the credit reduction and the tax increase.

Mr. Gallagher – We respect that.

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

Mr. Roth – And I respect it, in return. Then when it comes to – I – you know, like Strongsville Boulevard, it disturbed me deeply because, you know, I've been asking for that street, among others that are in deplorable condition, to be fixed for two years. It's like we're bringing it up for the first time. You know, I – You know, you even at the budget meeting said we weren't going to do my streets until last or nothing at all because of my vote on the budget, and I feel that's dirty politics and...

Mr. Gallagher – No, that's incorrect, Mark.

Mr. Roth - ...it's being – holding innocent people hostage.

Mr. Gallagher – That's incorrect, Mark. What I said, and we do have a transcript of this and I will go and read it at the next meeting. Here's what happened. I told you, the call on this is Joe Walker and the Engineer. I was the councilman that forced it away from Council as to who gets streets done. The list comes from Joe Walker and the Engineering Department. Now, to throw politics into any of that is just not honest. And I told you before, Mark, if I do have a street that's close to yours, I'm going to win that flip of the coin because I'm taking the political hit for doing the income tax credit reduction, as we all did; it's only fair and you have to – you have to acknowledge that.

Mr. Roth – The only thing that's changed in the last two years, besides the condition getting worse on Strongsville Boulevard, is that we're adding ten feet of sensor up front because of the light. You know, I'm thankful it's going to get repaved; hey, I'm all for it, I've been asking for it for two years.

Mr. Gallagher – Well, why don't we just leave it at that and...

Mr. Roth – Yes, let's leave it.

Mr. Gallagher – Good evening. Thank you.

Mr. Haseley – Mr. President.

Mr. Gallagher – Yes, Mr. Haseley.

Mr. Haseley – I just have one comment. I've been asking for Boston Road for six years and it still isn't done; and it probably won't be for two years, but I understand it and I'm not going to bring it up here. So, it's just not a matter of complaining.

Mr. Gallagher – We all understand the process, I just don't want to hear about petty politics being thrown around when it isn't honest.

Mr. Roth – Okay. Mr. Gallagher, it's not petty politics, I see huge amounts of money being spent in other areas.

Mr. Gallagher – That I and my colleagues and not you put in the budget. Thank you.

**ADJOURNMENT:**

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:43 p.m.

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

May 19, 2008  
Approval Date