

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JUNE 2, 2008

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Municipal Building, 18688 Royalton Road, on **Monday, June 2, 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, Economic Development Director Eugene P. Magocky, City Engineer Ken Mikula, Building Commissioner Anthony J. Biondillo, Recreation Director Stephen F. Kilo, Fire Chief Robert Moody and Police Chief Charles Goss.

The following Committees met to review legislation on the agenda:

Planning, Zoning and Engineering Committee: Chairman Haseley reported that Planning Commission met on May 22nd and gave an unfavorable recommendation to Ordinance 2008-092. The ordinance will be placed on second reading this evening and a public hearing will be set for July 7, 2008. Also at the Planning Commission meeting of May 22nd, a favorable recommendation was given to Ordinance 2008-093. That ordinance will receive a third reading this evening and a public hearing will be set for July 7th.

Economic Development and Technology Committee: Chairman Daymut recommended suspension and adoption for Resolution 2008-115, authorizing a request for proposals for professional real estate agency, marketing and advisory services in connection with the sale of the City's 166 acres of industrial land for economic development.

Public Safety and Health Committee: Chairman DeMio recommended suspension and adoption for Ordinance 2008-116, requesting participation in state purchasing contracts for the purchase of pistol, rifle and shotgun ammunition for use by the Police Department.

Mr. DeMio talked about scheduling a Public Safety Committee meeting in the near future. The Mayor advised him that, in fact, a Public Safety Committee meeting could be held in conjunction with a necessary Finance Committee meeting to discuss issues pertinent to both committees. It was decided that a joint Finance Committee/Public Safety Committee meeting would be scheduled for Monday, June 9th, at 5:30 p.m. in the Mayor's Conference Room at the Service Center.

Public Service and Conservation Committee: Chairman Kaminski recommended suspension and adoption for Ordinance 2008-117, requesting participation in state purchasing contracts for the purchase of two Ford pick-up trucks for use by the Service Department.

Finance Committee: Chairman Coyne recommended suspension and adoption for Ordinance 2008-118, the appropriation ordinance for the year 2008.

Committee-of-the-Whole: Council President Gallagher reported that six Ordinances proposing amendments to certain sections of the Charter were on the agenda this evening for first reading. Ordinances 2008-119, 2008-120, 2008-121, 2008-122, 2008-123 and 2008-124. The ordinances are the result of the recent review of the Charter by the City's Charter Review Commission, led by Chairperson Celia McGrath. President Gallagher noted that Mrs. McGrath is in attendance this evening to field any questions regarding the proposed amendments and to make a statement to the Council during the meeting about the Commission and its review process. President Gallagher suggested that the Charter Review Committee convene a meeting at its convenience to discuss the proposed amendments with Council members. A lengthy discussion took place about the proposed amendments, especially the amendments proposed in Ordinances 2008-122 and 2008-124. Councilman Roth expressed his disagreement with the amendments proposed in those two ordinances and explained why he is not in favor of the proposed changes. After the discussion was had, it was determined that the meeting suggested by President Gallagher was no longer necessary.

President Gallagher asked if any of the Council members had any questions and or issues to be brought to the attention of any of the department directors. Council Members Daymut and Coyne had questions for Mr. Biondillo regarding property maintenance matters, and Mr. Kaminski discussed a street repair matter with Mr. Walker.

Building Commissioner Biondillo distributed to Council members a current list of foreclosure properties and Sheriff Sale properties within the City. The Mayor and Mr. Biondillo updated the Council on the progress of the Building Department's exterior property maintenance program.

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JUNE 2, 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 – Welcome, ladies and gentlemen, to the Monday, June 2, 2008 City 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; 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; Ken Mikula, City Engineer; Anthony J. Biondillo, Building Commissioner; and Steve Kilo, Recreation Director.

COMMENTS ON MINUTES:

Mr. Gallagher – Comments regarding the Regular Council Meeting of May 19th?

Mr. Roth – Yes.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Yes, I just happened to notice page 6 of the last – in the Minutes under Building Codes; we were talking about Blodgett Creek Trail and it was stated Idlewood Trail, so.

Mr. Gallagher – Leslie, could you make that correction, please?

Ms. Seefried – I will correct it, yes.

Mr. Roth – Thank you, dear. Sorry I didn't get it...

Mr. Gallagher – Thank you, Mr. Roth. Anything further?

Mr. Roth - ...ahead of time; I just saw my note. She does a great job with the minutes.

Mr. Gallagher – Good catch. I think that's the first time in nine years, for me.

Mr. Roth – Exactly.

Mr. Gallagher – Thank you. Anyone else?

(No comments)

Mr. Gallagher.

The Minutes of the Regular Council Meeting held on May 19, 2008 were approved, with correction to be made by the Clerk.

APPOINTMENTS AND CONFIRMATIONS:

None.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Gallagher: I attended the last meeting at the hospital, had some wonderful notes and yet again, the second time in a row, I lost my notes. I called the hospital for an update, they emailed it to me and I didn't get it at home; I'm sorry. So I will report on Southwest General's meeting next meeting in two weeks. Any questions regarding Southwest General Hospital?

(None)

SCHOOL BOARD – Mr. Roth: There will be a report forthcoming after the next regular Board meeting.

Mr. Gallagher – Questions for Mr. Roth?

(None)

RECREATION AND COMMUNITY SERVICES – Mr. Gallagher: There was no meeting in the past two weeks; there is nothing to report and no legislation this evening. Any questions? I will answer any questions.

(None)

PUBLIC SERVICE AND CONSERVATION – Mr. Kaminski: Yes, Public Service and Conservation met this evening, we discussed 2008-117, which is the purchase of two Ford pickup trucks for use by the Service Department; recommendation is suspension and adoption. And that completes my report.

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

(None)

PUBLIC SAFETY AND HEALTH– Mr. DeMio: Thank you, Mr. Gallagher. We have Ordinance 2008-116, it's an ammunitions request by the Police Department, within the budget, that he applied for last year and it's \$20,673.10 and I believe we have full support to suspend and adopt tonight.

Also, Public Safety and the Finance Committee will be meeting in the Mayor's Conference Room at 5:30 p.m. on June 9th; all, as always, are welcome. This will be a brief meeting, but I just wanted to make the announcement for Council meeting tonight. I have no other comments; no requests for new legislation at the time, but I'll field questions regarding this docket, if you will.

Mr. Gallagher – 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 with the following recommendations: Ordinance 2008-092, place on second reading, set for a Public Hearing on the 7th of July, refer back to committee; Ordinance 2008-093, place on third reading, set for a Public Hearing on the 7th of July, refer back to committee. That concludes my report. If there are any questions, I'll be glad to attempt to answer them.

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

(None)

FINANCE – Mr. Coyne: Thank you, Mr. Gallagher. The Finance Committee met this evening and on our agenda we had Ordinance 2008-118, making appropriations for the current expenses and other expenditures, repealing Ordinance 2008-061, and the recommendation of the committee was suspension and adoption. If there are any other questions, I'll 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 2008-115.

I'd like to give a report on our committee meeting of May 27th, that was a Tuesday, here in Council Chambers at 7 p.m. We did discuss our breakfast meeting for Thursday, June 19th. I'd like to again thank First Federal of Lakewood for sponsoring that breakfast meeting, and our main speaker will be Janine Migden-Ostrander, she is from the Office of the Ohio Consumers Counsel, head of it, and the discussion will be the impact of Senate Bill 221, Ohio's new electricity law, on how it affects Ohio businesses and manufacturing, so we look forward to that. At that same meeting we also discussed our Tech Park, we are in the process of contacting our people who are in high tech that run businesses here in the City of Strongsville and we will set up a luncheon with them to brainstorm with that so that as we promote our technology park on Foltz that we have a better idea of what they are looking for. Our business retail survey, we will meet with Ohio State sometime in July to formulate that; went over new businesses locating in Strongsville; our Foltz Parkway Extension, the remaining 165 acres; and the job fair, Mr. Kaminski's been working on that and we'll have more information at our next meeting on that. We did discuss also our video distribution; that is going very well. I'm not sure if we have it on our website yet; do we, Mr. Magocky? Okay, we don't. There are plans to put that on Strongsville.org; as soon as that is available I will announce it at our meeting.

One other thing. I'd like to thank Matt Lauer. We have been discussing at our Economic Development meetings some type of identification for the City of Strongsville and the bridges that go over it. Many communities now, as we know, in the east and (unintelligible) and around Columbus have some specific identification. Matt Lauer has donated his time and his expertise to develop some plans; we hope to have him there at our meeting in June, which will be Monday, June 23rd, at 7 p.m. here in Council Chambers.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Daymut (cont'd) - I will get a copy of his renditions to all of Council and the Mayor for your approval to see what direction we'd like to go with this, but I think it's something very positive for the City of Strongsville. And I believe that's all I have this evening, Mr. Gallagher. Thank you very much.

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

(None)

BUILDING AND UTILITIES – Mr. Roth: Thank you Mr. Gallagher. A couple of questions and a couple comments within the committee here. First, so no one gets amnesia, after eleven years and twelve meetings, you know, and going to court and beating this one to death, the new development on Westwood, the Mayor and Council and the builder all came to a resolution, it's got fourteen restrictions in it, fourteen counts were hammered out. Why I bring it up is, you know, unfortunately, there has been a large turnover I think in the board members for the abutting homeowners association, so I'm getting calls, several calls – what are we going to do about the buffer, you know. The buffer is in place; we went through it, the residents, the board members, everyone walked through it. Just want everyone to remember that we got an adequate, substantial buffer going around that development, along with thirteen other items that were agreed to in court. So, shouldn't have to be having any meetings or any discussion on this. And, like I said, I'm getting...

Mr. Gallagher – Mr. Roth, do you have legislation?

Mr. Roth – Yes, I got it. And just want everyone to know that this has been hammered out already and we just need to follow what was hammered out.

Also, on Fair Road against the Turnpike, you know, I'm not really discussing anything that might be in someone's back yard; right now my concern is the trees that were promised...

Mr. Gallagher – Mr. Roth, do you have legislation?

Mr. Roth – No legislation.

Mr. Gallagher – This isn't a Ward 3 – this is your committee.

Mr. Roth – No, I know. I'm talking about a couple buffers here within this development.

Mr. Gallagher – Well we had an opportunity in caucus to discuss anything with the directors and you had nothing regarding this.

Mr. Roth – Okay, I'm going through items within my committee here. The AT&T equipment throughout the City, do we have any decision on that? Mayor?

Mr. Gallagher – Mr. Roth, did you direct these in memo form to the Mayor?

Mr. Roth – Well we talked about it the last three meetings.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – And that's the problem that I have is that we have to...

Mr. Roth – I just need an answer.

Mr. Gallagher – Then, evidently, if you didn't get an answer, you have no answer.

Mr. Roth – Well, I'm just asking the Mayor, Mr. Gallagher.

Mayor Perciak – I didn't hear your question, I'm sorry.

Mr. Roth – Mayor, is there anything – you said you were going to get back to myself, especially, on the problem – problematic areas with the AT&T pads, the AT&T equipment that's been expanded through this City. For instance, for example...

Mr. Gallagher – The concern you've had in your development...

Mr. Roth - ...the one at the intersection of Priem -- there's others, though, throughout the City – there's a twenty foot by seven foot area now where there was just a little piece of equipment; now there's a twenty foot by seven foot area with four or five dead bushes and two foot high weeds. Who is going to maintain it?

Mr. Gallagher – Mr. Roth, this is in your committee. What I suggest you do...

Mr. Roth – I just want an answer from the Mayor.

Mr. Gallagher - ...is call a meeting. You're the chairman; call a meeting, get AT&T there...

Mr. Roth – I already called a meeting.

Mr. Gallagher - ...and have AT&T answer these questions. Because until you do that, we're all not going to get the answer.

Mr. Roth – We need the full-time administration with this community to contact the utilities and get back to us how we're going to address this problem.

Mr. Gallagher – You're the chair of the committee, you have the authority to do it.

Mr. Roth – I've called meeting – we've talked about this in meetings before.

Mr. Gallagher – All right; you have one minute. Do you have any legislation?

Mr. Roth – So, Mayor, if you can get back to me with an answer on the AT&T equipment maintenance. And we still have a refrigeration truck problem over against Siedel's farms; noise pollution, three days in a row, trucks...

Mr. Gallagher – Any questions for Mr. Roth?

Mr. Roth - ...running against dense residential.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. Gallagher – Questions for Mr. Roth?

(None)

COMMITTEE-OF-THE-WHOLE – Mr. Gallagher: This evening we have a great group of folks who were the committee put together to renew our Charter, and Celia McGrath is the chairman of that committee and they're in attendance today. And the ordinances before Council that eventually we'll refer to the electorate in the next election: Ordinances 2008-119, 120, 121, 122, 123 and 124. In a little bit, Celia is going to be giving us a review of what the committee has proposed that Council consider for voting on to put on the ballot, and we discussed that also in committee extensively, but I'll leave it to Celia at Audience Participation to go further in depth. If you have any further questions, I will answer those.

(None)

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

Mayor Perciak – Yes, thank you, Mr. President. I have three items I'd like to convey this evening. First of all, I'd like to thank the Charter Review Committee for all their hard work. I appreciate all the time and effort you put in to making your recommendations to this Council. So, again, the administration thanks each and every one of you for your time and effort extended on behalf of all the residents of the community of Strongsville.

Secondly, the City Club will be sponsoring their annual Rib Burn-Off on Thursday, June 19th, Friday, June 20th, and Saturday, June 21st. It will be held right here on the Commons, so I ask all of you at home to tell your friends and neighbors and to join us here on the Commons for a fun-filled three days.

And, also on the 21st, Mr. Biondillo here is going to take a wife on that day, so we want to extend to him congratulations on his upcoming marriage. So, congratulations, Mr. Biondillo, and we wish you all of life's best.

Mr. Biondillo – Thank you very much.

And then, lastly, the June 16th meeting, here, of City Council, that will be the last meeting in this Chamber for some time. As we begin the process of moving and trying to renovate this facility, we will be moving over to the Communications Center next door. And that will be – the first meeting in the Communications Center – I'm sorry, a little bit up the road – is going to be July 7th. So, again, the June 16th meeting will be the last meeting here in these Chambers for approximately eighteen months to two years until it's all renovated, and we will be meeting in the Communications Center. Thank you.

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

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

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

Mr. Roth – Just want to state for the record that the Charter amendments, Ordinance 199, 120, 121 and 123, after reading them thoroughly I have no problem with. But Ordinances 122 and 124 I have lots of problems with. I found the language to be poor, due to vague and briefness and...

Mr. Gallagher – And what is your question to the Mayor?

Mr. Roth – It's just a comment to the Mayor. And, also, it's stripping the people of protections and safeguards when it comes to length of levies...

Mr. Gallagher – Mr. Roth, questions for the Mayor. Do you have a specific question for the Mayor?

Mr. Roth – I have a comment at this time.

Mr. Gallagher – That – No, inappropriate time. Finance Department, Mr. Batke.

Mr. Roth – This is – Mr. Gallagher, this is where the people out there see how you...

Mr. Gallagher – Mr. Roth, when it's...

Mr. Roth – I'm voted by 16,000 people to voice an opinion.

Mr. Gallagher – Mr. Batke.

FINANCE DEPARTMENT – Mr. Batke: Thank you, Mr. President. First of all, I'd like to thank you, Mr. President, for reading my report at the last Council meeting...

Mr. Gallagher – You heard about that, huh?

Mr. Batke - ...during my absence. No, I heard you did an admirable job and I appreciate that; thank you so much for that.

Mr. Gallagher – Thank you, Mr. Batke.

Mr. Batke – With that being said, I would like to read it this evening.

Mr. Gallagher – Please.

Mr. Batke – My report, for this meeting.

Mr. Gallagher – Please do.

Mr. Batke - Funds will be made available for all of the ordinances and resolutions on this evening's agenda requiring certification of funding and even up for adoption. Thank you.

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

Mr. Gallagher – Thank you, Mr. Batke. Questions for Mr. Batke? And welcome back, Mr. Batke.

(None)

LAW DEPARTMENT – Mr. Kraus: Thank you, Mr. President. All ordinances and resolutions on this evening's agenda are in proper legal form.

I would like to report that on May 19th this Council had entered a conditional objection to a liquor permit for KP Pearl LLC at 13339 Pearl Road based upon a number of Building Department violations or incomplete matters. We're advised through a memo from the Building Commissioner that those matters are now properly resolved. Accordingly, we would like to inform Council that we've directed the Clerk to submit a letter to the Department of Commerce, Liquor Control Division, indicating that the objection of this Council is now withdrawn.

I'd also like to report that in an action that had been brought by the City of Strongsville against Christine Scarlett in Common Pleas Court that the defendant has executed an agreed judgment entry consenting to an injunction against her; that will now resolve and dispose of that pending litigation.

And finally, I would like to point out that in the City of Cleveland versus State of Ohio, the case regarding the challenge to the residency laws of the City of Cleveland, that our Eighth District Court of Appeals has affirmed and upheld the law that the City of Cleveland has on the books with respect to residency. The Eighth District Court of Appeals has ruled in favor of a valid exercise of the City of Cleveland's home rule powers, and we would note that probably this decision as well as decisions out of Akron and the City of Lima, Ohio will be heard by the Ohio Supreme Court. Stay tuned for more on the residency issue. Thank you, Mr. President.

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

(None)

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the portion of the evening where we have Audience Participation, it's the audience's opportunity, citizens of Strongsville, to come up and talk to their – make a comment to their Council. First on the list, and I'll save Mrs. McGrath for last or second, Ron Carroll. Is there a Ron Carroll? Hi, Mr. Carroll; if you'd state your name and address for the record; appreciate it.

Ron Carroll, 8676 Kortz Circle, Strongsville – My name is Ron Carroll and I live at 8676 Kortz Circle.

Mr. Gallagher – Could you pull that closer?

Ron Carroll – Did I raise that?

AUDIENCE PARTICIPATION:

Mr. Kaminski – Yep.

Ron Carroll – Good. Thank you for having me, and I never thought I'd be standing in front of City Council talking about a problem in my neighborhood, so I appreciate your time. I'm here to represent my street of families and children, about fifteen children on my street, that have gone through some unnecessary distress and they have also caused the parents of our street distress. We live in a cul-de-sac and, like any other cul-de-sac in the United States, our kids and parents like to play on the street – kickball games, roller blades...

Mr. Gallagher – Ron, could you get closer to the mike?

Ron Carroll – Kickball games, roller blades, stuff like that, and all these games are supervised by the parents, they're never left alone. Our kids have gone through a couple weeks of traumatizing events. First of all, one of our neighbors, I won't speak the names, gunned their car through a kickball game because they were upset that we were playing in the street; mind you, there were four adults in the street when we were playing this game. Our kids have gone through intimidation by our neighbors by verbal intimidation, plus looks of, you know, just looking at our children the wrong way; they're taking photos of our children for no reason whatsoever. And I think the kicker of all of them and the most grotesque of them all that four families on our street were called for child services for neglect. Each one of the families had to go through a questioning with a social worker; questions like have you ever been sexually abused, has your kid ever been exposed to drugs, stuff like that; things that kids that are – especially kids – my ages are nine, seven, four, two – should never go through. And the reason I'm here tonight is because I want to make sure that my kids are not only safe, but they have the right to play and be children. And there is an ordinance in place in Strongsville, 412.03, and I have a copy of it here, that you can designate a street as a play street, and I'd like to do that; I have a petition of all the houses on our street, except for the one house that doesn't like the way we go about our business on the street. I have a petition from all the households and I have a petition from the homeowners association, which is Cartwright Heritage Estates; the president signed the petition and so did all four of the trustees. I've provided a map -- I want to pass this out as soon as I'm done talking – of all the houses in our neighborhood who have families with children, and you'll see a majority of the houses on our street have children in the households, and I think it makes sense to at least designate our street a play street so our kids can be kids and be in front of us and not be too far away from us so we can keep an eye on them.

Mr. Gallagher – Is that...

Ron Carroll – Yeah.

Mr. Gallagher – Ron, the...

Mr. DeMio – Mike, I just...

AUDIENCE PARTICIPATION – (cont'd):

Mr. Gallagher – One moment. And I know you've – And I know Mr. DeMio, Mr. Coyne, Mr. Daymut, Mr. Haseley have been involved, and I was made aware of this Friday, talking to Mr. Daymut, and he, being your representative, I believe he's going to pursue this to permit that street to be a play street. I apologize for what you had to go through. Mr. Coyne, Mr. DeMio and myself are in the system and when that happens it really scars children that don't need to be scarred and families that don't need to be scarred, and I'm sorry you had to go through that. We will, as a Council, pursue what we have to do to help you out, to protect you and your children and the rights that you have, as well as the rights of the individuals that aren't too happy about this. But the bottom line is, when I heard Mr. Daymut was saying there are kids playing in the street, I wanted to hustle over there; I haven't seen that since I was growing up in Lakewood on my street – you call 'car' and you get out of the way, but you're in a cul-de-sac. So we're going to do that, we're sorry for what you went through, and Mr. Daymut will take it from here, and I can assure you it will be taken care of. Mr. DeMio.

Mr. DeMio – I appreciate that, Mike. I just want to let you know I chair Public Safety and I want to thank Mike Daymut for the immediate call he made to me when this all went down. No one, including Mike, the Chief of Police, the Mayor, this Council as a whole, thought that any of your neighbors would have called human services. I humbly apologize, and this Council will be fully advised at a later date of what you folks had to go through. 'Hoodwink' comes to mind. I just really apologize; it really struck me because I have an eleven and a thirteen year old child; everyone up here has either grandkids or kids, and you should never have had to go through that. But I want to thank Mike Daymut, Charlie Goss, who have gone out of their way, whether you know that or not; I just want you to know that. And please, with utmost respect to your city – your street.

Ron Carroll – Thank you, I appreciate it. That's – Like I said, we just want our kids to grow up and be in front of us and, you know, be in front.

Mr. Gallagher – Mr. Carroll, if you would leave that information with the Chief and he'll give that to Mr. Daymut and, as I said, Mr. Daymut, I'm certain, will take care of this situation for you with the full support of the Council.

(A petition was submitted by Ron Carroll on behalf of residents of Kortz Circle, a copy of which is attached to the original transcript of these Minutes.)

Mr. Daymut – Thank you, Mr. Gallagher, and thank you for support on Council on behalf of the residents. And thank you for coming up, taking time out of your busy schedules. And, Joe, I think we've all apologized for what happened. I've been here a long time and probably the worst thing I've ever seen happen as a councilman.

Ron Carroll – Thank you for your time.

Mr. Gallagher – Thank you very much.

Ron Carroll – Thanks a lot.

AUDIENCE PARTICIPATION – (cont'd):

Mr. Gallagher – Is there anyone else to speak before Council, before Mrs. McGrath? Please state your name and address, sir, for the record.

James Carbone, 11926 Coopers Run, Strongsville – James Carbone; 11926 Coopers Run. Good evening. I've been a resident of Strongsville for over thirty years and there have been a lot of great changes that have taken place. One of the things, though, that I wanted to talk to you about, with Council, and possibly have Council vote on this, review it and talk about it more thoroughly, is the lot sizes in Strongsville. I've had a lot of friends – again, I've been in Strongsville for thirty years and a lot of my friends for thirty years – and I've noticed recently that a lot of them are moving to Hinckley, North Royalton, Broadview Heights, Avon, Avon Lake, all these other areas that we're competing with because we can't accommodate them with the lot sizes in Strongsville. I see the newer developments going in, they're still 75 foot by 135 lots. And I'd like to think that we're moving in the direction of a Westlake rather, and I'm not putting any other city down, rather than a Brunswick or something like that. To me, the lot sizes, -- and I'm requesting at least a minimum of 125 feet, which is just putting us to par with some of the other cities – to me, it's a no-brainer. The bigger the lot size you have, the bigger house you're going to have and it's going to help the home values. It's going to help the home values in my development, like Westwood Farms, if the lot sizes were bigger it would help my home size because the houses they would have to build would be bigger. It would help with the traffic in the city. We have in 75, 80 foot lot frontages, but we're putting in 50 homes instead of 25; obviously, there's going to be more cars on our roadway that's already crammed. Or there's going to be more kids in the household and that means there's going to be more kids in the schools that are overcrowded already. A good example of this is my sister lives on Bear's Paw. There's going to be a developer come in on Currier and put some homes in. She got the blueprints from the City, every resident in the area received them, and the homes are going to start in the upper 200s; this is going to kill her property value. When she goes to try to sell her home, how is she going to be able to market her home in the low 300s and try to compete with new construction at the same price? If this was into play, 125 foot lot frontages, it would make the builder build a bigger home. We wouldn't see two car garages in our prestigious neighborhoods; two car garages, we wouldn't see the vinyl siding – not saying that there's anything wrong with that, but there's just such – there's limited land in Strongsville and what I'm asking for is let's do it right with the remaining land. I've notice – like I said, a lot of my friends, and just recently, yesterday, actually, I went to an open house in Columbia Township. The street has sixteen homes, the street was put in November 7th and since then they've sold eleven of the homes. Nine of the homes that have been purchased are all former Strongsville residents. I know three of the people building in there and they would have done anything to build a home and stay in Strongsville, but we could not accommodate them. I know there's not a lot of land left in Strongsville, but there is still land left. There's a lot of dead-end streets that can be – that are going to be extended; let's do it right. I know that across the street from Petitti's there's tons of property that goes all the way to Waterford Crossing, and actually I think that street in Waterford, Kylemore, dead-ends; there could be a lot of beautiful homes that we can keep up with these other neighborhoods. I mean, I look at my neighborhood, Westwood Farms, Waterford Crossing; I just recently talked to a realtor in the area and he has four people that he knows in those developments that want to go bigger and they can't; we're stopping them because of these lot sizes. And I think two of them are going to be building homes in Hinckley.

AUDIENCE PARTICIPATION – (cont'd):

James Carbone (cont'd) - So there's more people that we're losing. And I think if we vote on this and we just do it and we don't make any exceptions to any builders, I think we can really – we can go out with a bang with the remainder of property in the City. And there's still a lot of areas. I pointed out across the street from Petitti's, there's the farm over there on Boston just east of Pearl, there is 21 acres right now for sale on Webster Road, so there's a lot of little pockets there that could be developed. And all I'm asking is, Council, if we can vote on this, 125 foot minimum at least, and if we can get this change and when it is changed we don't make any exceptions to any builders. Thank you.

Mr. Gallagher – Thank you, Mr. Carbone. Is there anyone else wishing to speak with Council?

(No comments)

Mr. Gallagher – Mrs. McGrath.

Celia McGrath, 19268 Heather Lane, Strongsville – Thank you. I'm Celia McGrath; 19268 Heather Lane here in Strongsville. And I want to start by introducing you briefly to just the backgrounds of this committee that reviewed the Charter. We had bankers, attorneys, realtors, and from various backgrounds, some of us not even from the State of Ohio. We considered changes that the citizens, that the administration, that the directors suggested we take a look at. We didn't work in a vacuum; the information and the requests were brought to us. And the changes that we are recommending really have to do with some updating of old articles, it has to do with strengthening home rule, which I can – I know that you all can appreciate because we should be able to manage our own affairs locally, rather than always look to state law to determine what we are required to do or what we can do in this City. So, let's start with Article I and we'll go through the – I'll go briefly through each article; it's only six, I think, that we have proposals for. The first one does have to do with strengthening the home rules powers of the City, and why do we want to do that? Because it's in the citizens' best interests if we can show that we can manage our own affairs locally and not always depend on state law. We don't want to have to always default to state law because state law can be antiquated, it can be obsolete in many instances, and I think it behooves us and it's in the best interests of the citizens to stay up to date so that we can – so that you all can manage the affairs in a cost effective and time efficient manner. The next one, Article II, Section 5(g); this part of the Charter was last updated in 1965. That's what, forty three years ago? And, at that time, the Police and Fire Departments were very small and we didn't have lots of qualified higher ranking officers at the time from which to select a fire chief or police chief. And, just for the record, the way that happens is right now people at an office higher than patrolman, meaning sergeant and higher, can sit for the civil service exam and the top three test takers are the ones from whom the Mayor chooses the fire chief and police chief. And, now that we have a wealth of talent at the lieutenant level and above, we thought it was right to update this part of the Charter and say that anybody above the sergeant level, meaning lieutenant and above, can sit for the civil service examination and from those very talented people, the top three test takers would be the ones from which the Mayor would choose his fire chief and police chief. So we're really just updating that part of the Charter.

AUDIENCE PARTICIPATION – (cont'd):

Celia McGrath (cont'd) – The next one, Article IV Section 7, again, we are bringing this into a consistent format with the way we have dealt with other commissions and other boards here in the City. For instance, we propose that we shorten the terms of the members on the Civil Service Commission from six years to four years. Everybody else is at four years already, so moving them from six to four would just make them consistent with the others, and they can succeed themselves with no term limits; again, that's what we have set up with existing boards and commissions. We more clearly defined who the classified service personnel and unclassified service personnel are; we updated those definitions. The ones that are in there have become obsolete and may have become ambiguous, so we wanted to clarify those distinctions. We propose to give the Civil Service Commission the ability to adopt rules and regulations in compliance with home rule, again, managing our own affairs, and in cases which may differ with state law. We already have many such rules and regulations locally that we already rely on and so we'd like to give them the ability to do this here locally. We also omitted the suspension section and commissioners can be removed from office for just cause, and that's the way the other commissions and boards are set up. So, again, this is just to make this one consistent with the others, with the other boards and commissions. Article V Section 5(a), we are proposing to provide some flexibility in the expenditures threshold below which the City doesn't have to solicit public bids. We want to be able to establish a threshold via a city ordinance. All right? Rather than rely on whatever the threshold is at the state level. Right now we rely on state law and the state requires a twenty five thousand dollar threshold. Why would changing this be a good thing? Well, it allows you all, City Council, to determine what the maximum should be that doesn't require public bidding. And remember, how we conduct business is something we should control locally. We hired very good people here on City Council and we trust you to make good judgments and good decisions. Public bidding is an expensive and time consuming business and this change would give Council the flexibility to set a higher amount. And the Committee looked at Westlake's charter; Westlake is very successful in giving City Council a choice, you can go by state law or, in certain instances, you can set through ordinance a higher threshold. They're very successful with this. Now, this article change does not set the threshold, it just allows City Council to establish a city ordinance and it would be one that you all would think is reasonable to conduct the City's business, again, in a timely and efficient manner. When you think about inflation right now, the increased cost of construction, the state's maximum threshold is obsolete, twenty five thousand dollars doesn't go too far anymore and it's not conducive to doing business in an efficient manner. Again, stronger home rule language in the earlier proposed articles would provide more independence for the City to develop its own ordinances. And then the next article, Article V Section 5(b), and this pertains only to emergencies and other limited circumstances, we thought the unanimous vote requirement was outdated. When Council needs to approve a no-bid contract, right now your hands are tied; you're prevented from making timely and cost-saving decisions if one of you is absent for whatever reason, whether one of you is out of town, one of you is ill, for whatever reason only six of you are here, if there were an emergency it would have to be tabled because you require a unanimous vote. The citizens would like prompt attention to emergency situations and we think the best way that could be handled is to lower that unanimous requirement to five out of seven, that's a two-thirds vote. You have other requirements that you abide by that require two-thirds vote, so this wouldn't be something new, it wouldn't be a huge exception, this really puts it in line with some other equally important requirements that you all work with.

AUDIENCE PARTICIPATION – (cont'd):

Celia McGrath (cont'd) – Then the final one, Article VI Section 1, currently the term for additional levies cannot exceed five years. The Committee discussed this in great length and we think the City needs more leniency; actually, the City Council needs more leniency and flexibility when structuring the levies, assuming that they are permitted by general law. Now, this does not mean that all additional levies automatically extend beyond five years, that's not what our purpose was in proposing this. It simply gives you, City Council, the ability and flexibility to structure it beyond five years. Now remember, everything still has to go to the voters for approval of a levy, you're not taking anything away from the voters. This allows you to be more flexible when you're structuring the additional levies. Voters still have to approve a levy of whatever duration. We just thought it was important for you to be able to be flexible in terms and future structuring. This was the business of our Committee and we hope you will take it and consider it as seriously as we did, we spent a lot of time and had a lot of healthy discussion on this. I make myself available to discuss anything you have, any questions you have regarding this, and we again respectfully ask for your consideration. Thank you.

Mr. Gallagher – Thank you, Celia. And, once again, thank you from the entire Council to your Committee for all your work, we greatly appreciate that. Anyone else?

Mr. Roth – Mr. Gallagher, if there's no one.

Mr. Gallagher – Celia, did you want to introduce your Committee that is here and maybe mention those that couldn't make it?

Celia McGrath – All right. Well, here I have Tom Stehman, Dave Jager and Dave Knowles. And the people who emailed me and said for work purposes they could not be here were Sue Mayher, Bill Harr, Rea Cantwell, Tony Bialowas, is that it? I think that's everybody.

Mr. Gallagher – Thank you.

Unidentified Voice – Charlene.

Celia McGrath – Oh, and Charlene Barth. Yes, that's right, Charlene Barth; thank you.

Mr. Gallagher – Thank you again, we appreciate it. Is there anyone else in the audience wishing to make a comment to Council?

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2008-092 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 11220 PEARL ROAD (PPN 392-20-011 AND 392-20-012) IN THE CITY OF STRONGSVILLE FROM OB (OFFICE BUILDING) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (Gene L. Piazza, Owner. Proposed small business with retail.) 1st rdg: 4-21-08. Unfavorable recommendation by Planning Commission 5-22-08.

**Second reading; referred to Planning, Zoning and Engineering Committee.
Public Hearing set for July 7, 2008.**

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, AS AMENDED. 1st rdg: 4-21-08. Amended by sub. 5-19-08. 2nd rdg: 5-19-08. Favorable recommendation by Planning Commission 5-22-08.

**Third reading; referred to Planning, Zoning and Engineering Committee.
Public Hearing set for July 7, 2008.**

Resolution No. 2008-115 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR PROPOSALS FOR PROFESSIONAL REAL ESTATE AGENCY, MARKETING, AND ADVISORY SERVICES, IN CONNECTION WITH SALE OF APPROXIMATELY 166 ACRES OF CITY-OWNED INDUSTRIAL LAND FOR ECONOMIC DEVELOPMENT.

Motion by Mr. Kaminski to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. DeMio.

Mr. Gallagher – Call the roll, please.

Ms. Seefried – Mr. DeMio?

Mr. DeMio – Yes.

Ms. Seefried – Mr. Kaminski?

Mr. Kaminski – Yes.

Ms. Seefried – Mr. Gallagher?

Mr. Gallagher – Yes.

Ms. Seefried – Mr. Haseley?

ORDINANCES AND RESOLUTIONS (cont'd):

Resolution No. 2008-115 (cont'd):

Mr. Haseley – Yes.

Ms. Seefried – Mr. Roth?

Mr. Roth – Mr. Gallagher. Why are we doing this? Was this discussed in caucus?

Mr. Gallagher – Yes it was.

Mr. Daymut – Mr. Gallagher.

Mr. Gallagher – Mr. Daymut.

Mr. Daymut – Mr. Roth. Yes, we did discuss it in caucus and what we want to do is we had had a firm on board, they are no longer with us and we need to market our remaining acreage, and the Mayor will be interviewing for that position.

Mr. Roth – Our present marketer has left?

Mr. Daymut – The contract is over, it expired, so.

Mr. Kraus – The contract long ago expired.

Mr. Gallagher – Continue the roll call.

Mr. Daymut – Yeah, and it will be brought back to Council.

Mr. Gallagher – Thank you. Continue the roll call.

Ms. Seefried – Mr. Roth?

Mr. Roth – Yes.

Ms. Seefried – Mr. Daymut?

Mr. Daymut – Yes.

Ms. Seefried – Mr. Coyne?

Mr. Coyne – Yes.

(All members present voted aye and the motion to suspend carried.)

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

Roll Call: All ayes. Motion carries.

Resolution No. 2008-115 ADOPTED.

ORDINANCES AND RESOLUTIONS – (cont'd):

Ordinance No. 2008-116 by Mayor Perciak and Mr. DeMio. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF PISTOL, RIFLE AND SHOTGUN AMMUNITION FOR USE BY THE POLICE DEPARTMENT 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. 2008-116 ADOPTED.

Ordinance No. 2008-117 by Mayor Perciak and Mr. Kaminski. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE PURCHASE OF TWO (2) FORD PICK-UP TRUCKS FOR USE BY THE SERVICE DEPARTMENT 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. 2008-117 ADOPTED.

Ordinance No. 2008-118 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2008 AND REPEALING ORDINANCE NO.2008-061.

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, Coyne.
Nays: Roth.
Motion carries.**

Ordinance No. 2008-118 ADOPTED.

Ordinance No. 2008-119 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE I ENTITLED "NAME, BOUNDARIES AND POWERS OF THE MUNICIPALITY" OF THE CHARTER OF THE CITY IN SECTION 3 TO PROVIDE THAT THE CHARTER, ORDINANCES AND RULES AND REGULATIONS OF THE CITY BE CONSTRUED BROADLY IN FAVOR OF THE CITY'S HOME RULE POWERS.

First reading; referred to the Committee-of-the-Whole.

Ordinance No. 2008-120 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE II ENTITLED "THE MAYOR" OF THE CHARTER OF THE CITY IN SECTION 5(g) TO PROVIDE THAT THE MAYOR'S APPOINTMENT OF THE CHIEF OF POLICE SHALL BE MADE AFTER CIVIL SERVICE COMMISSION EXAMINATION FROM THOSE OFFICERS RANKING ABOVE SERGEANT IN THE CITY'S POLICE DEPARTMENT.

First reading; referred to the Committee-of-the-Whole.

Ordinance No. 2008-121 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE IV SECTION 7 ENTITLED "CIVIL SERVICE COMMISSION" OF THE CHARTER OF THE CITY TO PROVIDE FOR THE TERM OF OFFICE AND REMOVAL OF MEMBERS OF THE CIVIL SERVICE COMMISSION; THE DIVISION OF EMPLOYEES INTO THE CLASSIFIED AND UNCLASSIFIED SERVICE; THE AUTHORITY OF THE CIVIL SERVICE COMMISSION TO ADOPT RULES AND REGULATIONS IN ACCORDANCE WITH HOME RULE WHICH MAY DIFFER FROM STATE LAW; AND REMOVING ANY PROVISIONS DEALING WITH THE SUSPENSION OF CIVIL SERVICE MEMBERS.

First reading; referred to the Committee-of-the-Whole.

Ordinance No. 2008-122 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE V ENTITLED "FINANCE" OF THE CHARTER OF THE CITY IN SECTION 5(a) TO PROVIDE FOR A PUBLIC BIDDING THRESHOLD AMOUNT FOR EXPENDITURES OF THE CITY.

First reading; referred to the Committee-of-the-Whole.

Ordinance No. 2008-123 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE V ENTITLED "FINANCE" OF THE CHARTER OF THE CITY IN SECTION 5(b) TO PROVIDE THAT COUNCIL BY A TWO-THIRDS VOTE OF ITS MEMBERS MAY AUTHORIZE CERTAIN EXPENDITURES, IN EMERGENCIES OR OTHER LIMITED CIRCUMSTANCES, WITHOUT PUBLIC BIDDING.

First reading; referred to the Committee-of-the-Whole.

ORDINANCES AND RESOLUTIONS – (cont'd):

Ordinance No. 2008-124 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE OF CERTAIN AMENDMENTS TO ARTICLE VI ENTITLED "TAXATION" OF THE CHARTER OF THE CITY IN SECTION 1 TO PROVIDE THAT ANY LEVIES SUBMITTED TO THE VOTERS SHALL BE LIMITED IN DURATION TO THE TIME ALLOWED BY LAW.

First reading; referred to the Committee-of-the-Whole.

COMMUNICATIONS, PETITIONS AND CLAIMS:

None.

MISCELLANEOUS BUSINESS:

Mr. Gallagher – Mr. Roth, Miscellaneous Business, I believe. Could I say one thing, Mark, first?

Mr. Roth – Yes.

Mr. Gallagher – Ward 4 Garage Sale, June 12th and 13th, 9 a.m. to 4 p.m.; June 12th and 13th. Thank you, Mark; I'm sorry.

Mr. Roth – No, no problem; no problem, Mr. Gallagher. My comment is going to be brief and not for debate or argument or anything of that nature, just to offer another point of view very briefly. On the Charter amendments; 119, 120, 121 and 123, I'm in agreement with the administration and the Charter Review Committee. But on Ordinances 122 and 124, I feel the language is not adequate enough, it's poor, it's vague and it's brief. It also sets, on 122, it sets a much dramatically higher threshold on spending limits that are allowed to be done without coming back to Council, which sets a very dangerous precedent. And on 124, lengthening the tax periods I think is also a very dangerous precedent. And by doing these two things, you're stripping protection and safeguards for the people of Strongsville. That's all.

Mr. Gallagher – We respect and appreciate your positions.

ADJOURNMENT:

There being no further business to come before this Council, the meeting was declared adjourned by Council President Gallagher at 8:54 p.m.

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

June 16, 2008
Approval Date