

MINUTES OF THE SPECIAL STRONGSVILLE COUNCIL MEETING HELD ON
JUNE 27, 2008 IN THE MAYOR'S CONFERENCE ROOM

CALL TO ORDER:

The meeting was called to order at 8:00 a.m. by the President of Council, Michael J. Gallagher.

(All joined in the Pledge of Allegiance to the Flag.)

CERTIFICATION OF POSTING:

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

ROLL CALL:

Present were: Council Members: Patrick J. Coyne, James A. Kaminski, Michael J. Gallagher, Raymond L. Haseley, and Michael J. Daymut. Also Present: Patricia J. Stewart, Assistant Clerk of Council. Administration: Thomas P. Perciak, Mayor; Kenneth A. Kraus, Law Director; and Eugene P. Magocky, Economic Development Director.

Motion by Mr. Daymut, second by Mr. Kaminski to excuse Mark A. Roth and Joseph C. DeMio for just cause. All members present voted aye and the motion carried.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2008-130 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 21138 ROYALTON ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICE) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 392-16-002) AND FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 392-16-002) AND FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION (PART OF PPN 392-16-002), AND DECLARING AN EMERGENCY. (Catanzarite Investment Co., Owner. Stephen W. Funk, Atty., for Applicant Sheetz, Inc.) 1ST Rdg: 6-16-08. Favorable recommendation by Planning Commission 6-26-08.

**Second reading; referred to Planning, Zoning and Engineering Committee
Public Hearing set for July 29, 2008 at 6:00 p.m. at the Communication Center
(Council Chambers).**

Ordinance No. 2008-131 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 21034 ROYALTON ROAD IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 392-16-003), AND DECLARING AN EMERGENCY. (Edno Clubs, Inc., Owner. Stephen W. Funk, Atty., for Applicant Sheetz, Inc.) 1st rdg: 6-16-08. Favorable recommendation by Planning Commission 6-26-08.

**Second reading; referred to Planning, Zoning and Engineering Committee
Public Hearing set for July 29, 2008 at 6:00 p.m. at the Communication Center
(Council Chambers).**

OTHER BUSINESS:

Mr. Gallagher – Any business?

(None)

Mr. Gallagher – What I would like to do if possible, is I'd like to formulate a legislative committee. Mr. Coyne, would you Chair that? I'll give you two other members when I think about it, or if you could give me your input on that.

Mr. Coyne – Okay.

Mr. Gallagher – The reason I want to do this is recently we had an issue with legislation being requested that could be considered deemed illegal and/or harmful to the general public. In good spirit, one of the Council Members wanted to represent his constituents and as it turns out it looks like it might not be something that would be in the best interest of the City as a whole. So what I would like to do is have a review of how we submit legislation and to, in essence, help us cover ourselves legally. And so we're all on the same page, I'd like, instead of just Councilmen submitting legislation, possibly have sponsors to that legislation so that we have a good discussion and idea of where we're going with this legislation and possibly incorporate the Law Department in that. I don't want to take any of the powers or concerns away from the Councilmen, but I think it would be in everyone's best interest considering some of the past lawsuits that we unfortunately have not been able to win, and we probably should have seen that coming that we couldn't win these. And hopefully, we'll avoid that in the future. Once again, I don't want to take anything away from Councilmen trying to represent their constituents, but in essence we do represent the entire City. And the best interest of the City should take over individual Ward interests. So Pat, if you could take that, formulate your committee, work with Council, and we could go from there as far as your recommendations from your legislative committee.

Mr. Coyne – I'll meet with Ken next week and we'll sit down and we'll start formulating that. But in my preliminary discussions with Mr. Gallagher, we have an opportunity to review illegal over the past several years and it seems that some of the good intention legislation that has been put forward, we've paid dearly for it in court through legal fees. What we're going to try to accomplish is that we don't want to discourage anybody from representing their constituents and serving their best interest, but if our Law Department feels that in his opinion that the legislation shouldn't be formulated or move forward, we can have a discussion about that. But I think we need to be proactive as far as putting ourselves in adverse situations that we end up paying dearly for in the long run. So that's what we're trying to accomplish, this committee. And I look forward to the other two members input as we move forward.

Mr. Kraus – Mr. President.

Mr. Gallagher – Mr. Law Director.

Mr. Kraus – Yes. Our department would be happy to work with and cooperate with and expend whatever time is necessary to review Mr. Coyne and your committee in order to achieve the goals that you've expressed here. We're 1,000 percent on board with you on this one.

Mr. Coyne – Thank you.

Mr. Haseley – This committee is going to act more as a clearing house than anything?

Mr. Coyne – Correct.

Mr. Kraus – It's a good idea.

Mr. Gallagher – Anyone else?

(None)

Mr. Gallagher – Mr. Kraus, recently the Board of Zoning Appeals granted numerous variances on building a garage up on Prospect Road, Edna Vaughn owner. I'd like to file an objection to their granting of all these setbacks. And actually I think the 7 foot setback was not granted, but the building of the... it says here 1,100 SF garage. I was informed it was 1,400 square feet, but I'll look at that again.

Mr. Kraus – Mr. President, we'd be happy to undertake the procedures that are required on that. I would, however, point out as you know there is a piece of legislation, I believe, in fact it may be set for a Public Hearing at the next regular meeting of City Council on July 7th which, if passed, would have the effect of increasing the square footage permitted on these garages from 800 square feet to at least 1,000 square feet, I believe, Mr. Haseley. So that you might want to look at more carefully at where we're headed with this from the standpoint of this ordinance is passed. And then I think that these... any variances that were granted recently at the BZA would really be de minimus if the standards are changed, but we can lodge your request on Vaughn, but you might want to look at that.

Mr. Gallagher – Yeah, this seems to be a little bit... Actually, they're asking for a 1,100 square foot variance. It's a 1,900 square foot building.

Mr. Kaminski – I'd like to comment. We've also refused some of these in the past, so I want to be consistent with what we have done. Is this attached or detached?

Mr. Gallagher – It's detached.

Mr. Daymut – Detached.

Mr. Kaminski – Then that's not really considered a garage, it's an outbuilding. That's how we've labeled it before, with Shurmer; remember off of Shurmer Road, Colebright?

Mr. Gallagher – Yeah.

Mr. Kaminski – One person wanted four extra feet, and we (unintelligible) said no, for four extra feet.

Mr. Gallagher – I was contacted by the neighbor and researched what I could through Building. And this just seems pretty drastic as far as variances go.

Mr. Haseley – You said they have a deck on this too?

Mr. Gallagher – I believe it's a 1,900 square foot floor area and 400 square feet of that, from what Building tells me, is a patio, outdoor patio, 1,500 square foot inside.

Mr. Kaminski – It sounds like a second living quarter to me.

Mr. Gallagher – Well, its an elderly resident whose daughter and son-in-law are moving in. It sound to me, if you want to move in, you'd move into the house.

Mr. Kaminski – Sounds like a second living quarter.

Mr. Gallagher – It just... it's just.. sounds pretty odd. What I will do is meet with the Vaughn's and the neighbor, maybe we can resolve this. But right now I'd like to preserve that objection.

Mr. Kraus – Okay, you want to make some kind of a motion here then so that we can take a vote on that proceeding with the objection, or do we have enough time with the twenty days to wait to do that till our regular meeting on the 7th? I don't know that we do because...

Mr. Gallagher – Why don't we....

Mr. Daymut – I think it is Wednesday, we have...

Mr. Kaminski - I make the motion to object to the variances for the Vaughn property.

Mr. Daymut – And I'll second.

Mr. Gallagher – Motion to file for an objection of the Board of Zoning Appeals decision of June 25th regarding the Edna Vaughn property at 18758 Prospect Road by Mr. Kaminski, second by Mr. Daymut.

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

Mr. Gallagher – Is there any other business?

(None)

ADJOURNMENT

There being no further business to come before this Council, the meeting was declared adjourned by Council Gallagher 8:15 a.m.

Signature on File
Patricia J. Stewart, CMC
Assistant Clerk of Council

July 7, 2008
Approval Date