

# City of Strongsville

16099 Foltz Parkway  
Strongsville, Ohio 44149-5598  
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Council Office Fax: 440-572-1648  
[www.strongsville.org](http://www.strongsville.org)

## City Council

Michael J. Daymut  
Ward 1

Matthew A. Schonhut  
Ward 2

James E. Carbone  
Ward 3

Gordon C. Short  
Ward 4

Joseph C. DeMio  
At-Large

Kenneth M. Dooner  
President Pro Tem  
At-Large

Duke Southworth  
President of Council  
At-Large

Aimee Pientka, CMC  
Clerk of Council  
[aimee.pientka@strongsville.org](mailto:aimee.pientka@strongsville.org)

Tiffany Mekeel, CMC  
Assistant Clerk of Council  
[tiffany.mekeel@strongsville.org](mailto:tiffany.mekeel@strongsville.org)

April 28, 2016

## MEETING NOTICE

City Council has scheduled the following meetings for **Monday, May 2, 2016**, to be held in the Caucus Room and the Council Chamber at the **Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road**:

**Caucus will begin at 7:30 p.m. All committees listed will meet immediately following the previous committee:**

**7:30 P.M.**      **Finance Committee** will meet to discuss Resolution No. 2016-087.

**Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2016-093, 2016-094 and Resolution No. 2016-095.

**Public Safety and Health Committee** will meet to discuss Ordinance No. 2016-096.

**Public Service and Conservation Committee** will meet to discuss Ordinance No. 2016-098.

**Recreation and Community Services Committee** will meet to discuss Ordinance No. 2016-099

**Economic Development** will meet to discuss items pertinent to the committee.

**Committee of the Whole** will meet to discuss Ordinance Nos. 2016-097, 2016-101 and Resolution No. 2016-100.

*Motion to approve the Committee of the Whole Meeting Minutes of April 13, 2016.*

**8:00 P.M.**      **Regular Council Meeting**

Any other matters that may properly come before this Council may also be discussed.

## BY ORDER OF THE COUNCIL:

Aimee Pientka, CMC  
Clerk of Council

**STRONGSVILLE CITY COUNCIL REGULAR MEETING**  
**MONDAY, MAY 2, 2016 AT 8:00 P.M.**  
Mike Kalinich Sr. City Council Chamber  
18688 Royalton Road, Strongsville, Ohio

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**AGENDA**

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
  - *Council Meeting – April 18, 2016*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
  - *Ceremonial swearing in of Patrol Officer Steven L. Vanek for the City of Strongsville Police Department.*
7. REPORTS OF COUNCIL COMMITTEE:
  - SCHOOL BOARD – Mr. Carbone:
  - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:
  - BUILDING AND UTILITIES – Mr. Schonhut:
  - COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:
  - ECONOMIC DEVELOPMENT – Mr. Daymut:
  - FINANCE – Mr. Dooner:
  - PLANNING, ZONING AND ENGINEERING – Mr. Daymut:
  - PUBLIC SAFETY AND HEALTH – Mr. DeMio:
  - PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:
    - *Motion to note and approve the owners' designation of wishes for interments in Strongsville Municipal Cemetery, Section C, Lot #180, Grave F.*
    - *Motion to note and approve the owners' designation of wishes for interments in Strongsville Municipal Cemetery, Section G, Lot# 149, Graves E & G.*
  - RECREATION AND COMMUNITY SERVICES – Mr. Short:
  - COMMITTEE-OF-THE-WHOLE – Mr. Southworth:

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

- MAYOR PERCIAK:
- FINANCE DEPARTMENT:
- LAW DEPARTMENT:

9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

- Resolution No. 2016-087 by Mayor Perciak and Mr. Dooner. A RESOLUTION ADOPTING ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF STRONGSVILLE, OHIO FOR FISCAL YEAR 2017, AND DECLARING AN EMERGENCY. *First reading 04-18-16.*
- Ordinance No. 2016-093 by Mr. Daymut. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 1 AND 2 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND STANTEC CONSULTING SERVICES, INC., IN CONNECTION WITH THE CHERRY STONE DRIVE DRAINAGE PROJECT, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-094 by Mr. Daymut. AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF SIEDEL FARMS SUBDIVISION NO. 5, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-095 by Mr. Daymut. A RESOLUTION DECLARING THE INTENT OF THE COUNCIL OF THE CITY OF STRONGSVILLE TO ACCEPT FOR DEDICATION CERTAIN STREETS WITHIN SIEDEL FARMS SUBDIVISION NO. 5, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-096 Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF ONE (1) NEW 2016 SUTPHEN EXTREME DUTY PUMPER WITH RELATED VEHICLE MODIFICATIONS AND APPURTENANCES, FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-097 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FRATERNAL ORDER OF POLICE, PARMA LODGE #15 (CORRECTIONS OFFICERS) AND THE CITY OF STRONGSVILLE THROUGH DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

- Ordinance No. 2016-098 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND MAKE PAYMENT FOR VARIOUS EMERGENCY REPAIRS TO A CITY STORM SEWER AND APPURTENANCES, ON POINT OVERLOOK DRIVE IN THE CITY OF STRONGSVILLE, WITHOUT PUBLIC BIDDING; AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-099 by Mr. Short. AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION, OF CERTAIN OBSOLETE PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY'S RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-100 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR AND ASSISTANT LAW DIRECTOR TO ENTER INTO A MODIFICATION TO THE PRIOR JUDGMENT ENTRY TO BE FILED IN COMMON PLEAS COURT CONCERNING THE PLAZA AT SOUTHPARK, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-101 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 618.12 (HUNTING OR TRAPPING PROHIBITED) OF CHAPTER 618 ANIMALS OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY TO AUTHORIZE A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION, IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT, AND DECLARING AN EMERGENCY.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:
12. MISCELLANEOUS BUSINESS:
13. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 087

By: Mayor Perciak and Mr. Dooner

**A RESOLUTION ADOPTING ALTERNATIVE TAX BUDGET INFORMATION FOR THE CITY OF STRONGSVILLE, OHIO FOR FISCAL YEAR 2017, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Section 5705.281 of the Ohio Revised Code, the Cuyahoga County Budget Commission has waived the requirement that the City of Strongsville adopt a tax budget as provided under Sections 5705.28 and 5705.30 of the Revised Code, and has required the City of Strongsville to provide alternative tax budget information in order for the Commission to perform its duties under law; and

WHEREAS, the Mayor and Director of Finance, therefore, have prepared alternative tax budget information for the City of Strongsville, Ohio, for the fiscal year beginning January 1, 2017; including a Division of Taxes Levied setting forth levies inside and outside the 10 Mill limitation, inclusive of debt levies; a Statement of Fund Activity; Unvoted General Obligation Debt; Voted Debt Outside of the 10 Mill Limit; and Schedule of Interfund Transfers, all for submission to the Cuyahoga County Budget Commission and Cuyahoga County Fiscal Officer.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That the alternative tax budget information for the City of Strongsville, Ohio, for the fiscal year commencing January 1, 2017, heretofore prepared by the Mayor of this City and submitted to this Council, a copy of which is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein, be and the same is hereby ratified, approved, confirmed and adopted as the official alternative tax budget information of the City of Strongsville for the fiscal year beginning January 1, 2017 and ending December 31, 2017 for submission to the Cuyahoga County Budget Commission and Cuyahoga County Fiscal Officer.

**Section 2.** That the Clerk of Council be and is hereby authorized and directed to promptly certify and transmit a copy of said alternative tax budget information and a copy of this Resolution to the Cuyahoga County Budget Commission and Cuyahoga County Fiscal Officer.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**CITY OF STRONGSVILLE, OHIO**  
**RESOLUTION NO. 2016 – 087**  
**Page 2**

**Section 4.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to comply with all state, county and local requirements concerning tax budgets. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

**RES**  
 ORD. No. 2016-087 Amended: \_\_\_\_\_  
 1st Rdg. 04-18-16 Ref: Finance  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

## ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit CITY OF STRONGSVILLE

For the Fiscal Year Commencing January 1, 2017

Fiscal Officer Signature [Signature] Date April 11, 2016

# COUNTY OF CUYAHOGA

### Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### County Budget Commission Action

**On October 11, 2002 during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281,**

### Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

# **GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION**

## **SCHEDULE 1**

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

## **NOTE:**

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback.

## **SCHEDULE 2**

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds. In column 3, total estimated receipts should include all revenues plus transfers in. All taxing authorities, except school districts, must submit a list of all tax transfers.

## **SCHEDULE 3**

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

## **SCHEDULE 4**

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

## **SCHEDULE 5**

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.



**City of Strongsville, Cuyahoga County, Ohio**  
**DIVISION OF TAXES LEVIED**  
**For the Year Ending December 31, 2017**

(Levies Inside & Outside 10 Mill Limitation, Inclusive of Debt Levies)  
(List All Levies Of The Taxing Authority)

**Schedule 1**

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number of Years Levy To Run	Tax Year Begins/Ends	Collection Year Begins/Ends	Maximum Rate Authorized	\$ AMOUNT Requested of Budget Commission
<b>General Fund</b> General Fund	Current Expense	05/06/14	Renewal	5	2014 - 2018	2015 - 2019	1.5	\$ 525,000
<b>Special Revenue Funds</b>								
Fire Levy Fund	Current Expense	05/05/09	Renewal	continuing	continuing	continuing	2.0	\$ 2,849,000
Fire Levy Fund	Current Expense	11/06/12	Renewal	5	2013 - 2017	2014 - 2018	1.5	\$ 2,175,000
Drainage Levy Fund	Drainage	11/06/12	Replace	5	2013 - 2017	2014 - 2018	0.4	\$ 570,000
SW Hospital Fund	SW Hospital	11/04/14	Renewal	5	2015 - 2019	2016 - 2020	1.0	\$ 350,000
Police Pension Fund	Inside Millage						0.3	\$ 438,000
Fire Pension Fund	Inside Millage						0.3	\$ 438,000
<b>Total Special Revenue Funds</b>							<b>5.5</b>	<b>\$ 6,820,000</b>
<b>Debt Service Funds</b>								
General Bond Retirement	Inside Millage						2.3	\$ 3,400,000
<b>Total Debt Service Funds</b>							<b>2.3</b>	<b>\$ 3,400,000</b>
<b>Totals</b>							<b>9.3</b>	<b>\$ 10,745,000</b>

City of Strongsville, Cuyahoga County, Ohio  
**STATEMENT OF FUND ACTIVITY**  
For the Year Ending December 31, 2017  
(List All Funds Individually)

Schedule 2

VI

V

IV

III

III

II

I

Fund By Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Fund Revenue	Other Source Receipts	Total Resources Available For Expenditures	Total Estimated Expenditures and Encumbrances	Ending Estimated Unencum- bered Balance
<b>General Fund</b>	\$ 7,589,949.68	\$ 980,702.00	\$ 34,424,797.00	\$ 42,995,448.68	\$ 35,204,000.00	\$ 7,791,448.68
<b>Special Revenue Fund Group</b>						
Police Pension	\$ 218,669.62	\$ 438,000.00	\$ 841,700.00	\$ 1,498,369.62	\$ 1,285,400.00	\$ 212,969.62
Street Maintenance & Construction	\$ 3,198,465.35	\$ -	\$ 8,826,000.00	\$ 12,024,465.35	\$ 9,857,400.00	\$ 2,167,065.35
State Highway Maintenance	\$ 284,112.26	\$ -	\$ 140,600.00	\$ 424,712.26	\$ 140,000.00	\$ 284,712.26
Motor Vehicle License	\$ 294,011.89	\$ -	\$ 331,000.00	\$ 625,011.89	\$ 500,000.00	\$ 125,011.89
Emergency Vehicle	\$ 1,556,883.91	\$ -	\$ 909,000.00	\$ 2,465,883.91	\$ 941,000.00	\$ 1,524,883.91
Fire Levy	\$ 1,497,048.38	\$ 5,024,000.00	\$ 3,103,400.00	\$ 9,624,448.38	\$ 8,350,200.00	\$ 1,274,248.38
Fire Pension	\$ 207,469.87	\$ 438,000.00	\$ 1,045,700.00	\$ 1,691,169.87	\$ 1,432,200.00	\$ 258,969.87
Clerk of Court	\$ 141,834.66	\$ -	\$ 15,000.00	\$ 156,834.66	\$ 40,000.00	\$ 116,834.66
Drainage Levy	\$ 163,963.61	\$ 570,000.00	\$ 2,300.00	\$ 736,263.61	\$ 646,300.00	\$ 89,963.61
Multi-Purpose Complex	\$ 213,851.61	\$ -	\$ 5,100,000.00	\$ 5,313,851.61	\$ 5,091,900.00	\$ 221,951.61
SW General Hospital	\$ -	\$ 350,000.00	\$ -	\$ 350,000.00	\$ 350,000.00	\$ -
Law Enforcement Federal Seizure	\$ 12,285.55	\$ -	\$ 1,000.00	\$ 13,285.55	\$ 7,000.00	\$ 6,285.55
Law Enforcement State Seizure	\$ 42,605.73	\$ -	\$ 3,000.00	\$ 45,605.73	\$ 32,000.00	\$ 13,605.73
Law Enforcement Mandatory Drug Fine	\$ 1,111.57	\$ -	\$ 400.00	\$ 1,511.57	\$ 400.00	\$ 1,111.57
Law Enforcement DUI/DWI	\$ 13,313.73	\$ -	\$ 2,000.00	\$ 15,313.73	\$ 10,000.00	\$ 5,313.73
Tree Maintenance	\$ 246,028.39	\$ -	\$ 117,000.00	\$ 363,028.39	\$ 100,000.00	\$ 263,028.39
Community Diversion	\$ -	\$ -	\$ 12,400.00	\$ 12,400.00	\$ 12,400.00	\$ -
Earned Benefits	\$ 2,548,792.67	\$ -	\$ 200,000.00	\$ 2,748,792.67	\$ 400,000.00	\$ 2,348,792.67
<b>Total Special Revenue Funds</b>	\$ 10,640,448.80	\$ 6,820,000.00	\$ 20,650,500.00	\$ 38,110,948.80	\$ 29,196,200.00	\$ 8,914,748.80
<b>Debt Service Fund Group</b>						
General Bond Retirement	\$ 1,844,226.74	\$ 3,400,000.00	\$ 380,572.00	\$ 5,624,798.74	\$ 3,514,651.00	\$ 2,110,147.74
Pearl Road TIF # 1	\$ 247,959.71	\$ -	\$ 1,182,000.00	\$ 1,429,959.71	\$ 1,220,750.00	\$ 209,209.71
Route 82 TIF	\$ 55,869.49	\$ -	\$ 186,300.00	\$ 242,169.49	\$ 205,500.00	\$ 36,669.49
Pearl Road TIF # 2	\$ 15,892.10	\$ -	\$ 22,000.00	\$ 37,892.10	\$ -	\$ 37,892.10
Pearl Road TIF # 3	\$ 19,435.23	\$ -	\$ 40,000.00	\$ 59,435.23	\$ -	\$ 59,435.23
Westwood Commons TIF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Giant Eagle TIF	\$ 74,000.00	\$ -	\$ 74,000.00	\$ 148,000.00	\$ -	\$ 148,000.00
GETGO TIF	\$ 21,000.00	\$ -	\$ 21,000.00	\$ 42,000.00	\$ -	\$ 42,000.00
<b>Total Debt Service Funds</b>	\$ 2,278,383.27	\$ 3,400,000.00	\$ 1,905,872.00	\$ 7,584,255.27	\$ 4,940,901.00	\$ 2,643,354.27
<b>Capital Project Fund Group</b>						
Recreation Capital Improvement	\$ 98,155.48	\$ -	\$ 100,000.00	\$ 198,155.48	\$ 150,000.00	\$ 48,155.48
General Capital Improvement	\$ 2,491,541.87	\$ -	\$ 825,100.00	\$ 3,316,641.87	\$ 1,753,000.00	\$ 1,563,641.87
<b>Total Capital Project Funds</b>	\$ 2,589,697.35	\$ -	\$ 925,100.00	\$ 3,514,797.35	\$ 1,903,000.00	\$ 1,611,797.35

City of Strongsville, Cuyahoga County, Ohio  
**STATEMENT OF FUND ACTIVITY**  
 For the Year Ending December 31, 2017

Schedule 2

(List All Funds Individually)

I Fund By Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Fund Revenue	III Other Source Receipts	IV Total Resources Available For Expenditures	V Total Estimated Expenditures and Encumbrances	VI Ending Estimated Unencum- bered Balance
<u>Enterprise Fund Group</u> Sanitary Sewer	\$ 5,699,232.19	\$ -	\$ 6,897,100.00	\$ 12,596,332.19	\$ 6,977,035.00	\$ 5,619,297.19
<u>Internal Service Fund Group</u> Worker's Compensation Reserve	\$ 1,402,982.87	\$ -	\$ 372,900.00	\$ 1,775,882.87	\$ 462,000.00	\$ 1,313,882.87
<b>TOTAL ALL FUNDS</b>	\$ 30,200,694.16	\$ 11,200,702.00	\$ 65,176,269.00	\$ 106,577,665.16	\$ 78,683,136.00	\$ 27,894,529.16

**City of Strongsville, Cuyahoga County, Ohio  
Tax Budget**

**For the Year Ending December 31, 2017**

**UNVOTED GENERAL OBLIGATION DEBT**

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)  
(Do Not Include Special Obligation Bonds & Revenue Bonds)

Schedule 3

I Purpose of Bonds or Notes	II Date of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Year	V Amount Required To Meet Budget Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
General Purpose Various Improvement Bonds 2009 Issue	13-May-09	1-Dec-34	\$11,455,000	\$639,469	\$0
General Purpose Various Improvement Bonds 2009 Issue (TIF)	8-Dec-09	1-Dec-29	\$6,355,000	\$610,750	\$610,750
General Purpose Various Improvement Bonds 2011 Issue	6-Sep-11	1-Dec-21	\$5,990,000	\$1,347,638	\$0
General Purpose Various Improvement Bonds 2014 Issue	1-Apr-14	1-Dec-26	\$8,820,000	\$560,900	\$0
General Purpose Various Improvement Bonds 2015 Issue	22-Oct-15	1-Dec-26	\$7,490,000	\$787,894	\$0
<b>Totals</b>			<b>\$40,110,000</b>	<b>\$3,946,651</b>	<b>\$610,750</b>



City of Strongsville, Cuyahoga County, Ohio  
 Tax Budget

For the Year Ending December 31, 2017

SCHEDULE OF INTERFUND TRANSFERS

Supplemental Schedule

From	Amount	To
<b>Transfers</b>		
General Fund	\$3,370,000	Street Construction, Maintenance & Repair Special Revenue Fund
General Fund	\$3,100,000	Fire Levy Special Revenue Fund
General Fund	\$2,100,000	Multi-Purpose Special Revenue Fund
General Fund	\$840,000	Police Pension Special Revenue Fund
General Fund	\$1,044,000	Fire Pension Special Revenue Fund
General Fund	\$200,000	Earned Benefits Special Revenue Fund
General Fund	\$109,000	General Bond Retirement Fund
General Fund	\$100,000	Recreation Capital Improvement Fund

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 - 093

By: Mr. Daymut

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 1 AND 2 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND STANTEC CONSULTING SERVICES, INC., IN CONNECTION WITH THE CHERRY STONE DRIVE DRAINAGE PROJECT, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2015-124, Council authorized the Mayor to enter into a contract, without public bidding, with Stantec Consulting Services, Inc. for professional engineering services for the design of the Cherry Stone Drive Drainage Project, in order to alleviate flooding conditions in that area of the City of Strongsville, (the "Project"), in an amount not to exceed \$116,000.00; and

WHEREAS, the City's Engineer has now recommended that it would be in the best interests of the City to include modifications to the scope and cost proposal of the Project by Stantec Consulting Services, Inc., generally being geotechnical services and additional surveying work requested by the City, all as more fully set forth in Exhibits "A" and "B" attached hereto and incorporated herein as if fully rewritten, and to provide additional payment for such changes in the work in the total amount of \$15,065.80, for a new total Project cost of \$131,065.80.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, BY UNANIMOUS AFFIRMATIVE VOTE:

**Section 1.** That the Mayor be and is hereby authorized and directed to issue and approve Change Order Nos. 1 and 2 to the contract in the total amount of \$15,065.80, as recommended by the City Engineer and requested by the City, and reflected in Exhibits "A" and "B"; and after the issuance and approval of said Change Order Nos. 1 and 2, and modifications to the scope and cost proposal for the Project have been made, to direct the Director of Finance to make payment to Stantec Consulting Services, Inc., in the additional amount of \$15,065.80, thereby increasing the total Project cost to \$131,065.80.

**Section 2.** That the funds necessary for this Ordinance have been appropriated and shall be paid from the Drainage Levy Fund, and that the Director of Finance be and is hereby authorized and directed to issue the City's warrants for payment accordingly, and in accordance with the terms and conditions of the contract and change orders.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 093**  
**Page 2**

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for modifications to the scope of work and cost proposal, to facilitate payment to the contractor for additional work requested by the City, to avoid potential legal problems, and conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-093 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_





**PROFESSIONAL SERVICES AGREEMENT CHANGE ORDER**

Change Order # 1

Date 3 February 2016

"STANTEC" STANTEC CONSULTING SERVICES INC.  
 STANTEC Project # 173409109  
 3700 Park East Drive, Cleveland, OH 44122  
 Ph: (216) 454-2150 Fx: (216) 454-9995  
 email: dave.mccallops@stantec.com

CLIENT CITY OF STONGSVILLE, OH  
 Client Project # N/A  
 16099 Foltz Parkway, Strongsville, OH 44149  
 Ph: (440) 580-3123 Fx:  
 email: lori.daley@stantec.com

Project Name and Location: Cherry Stone Drive Drainage Project

In accordance with the original Professional Services Agreement dated September 14, 2015 and Change Orders thereto, the Agreement changes as detailed below are hereby authorized.

Additional services includes securing 4 soil borings in the project area to determine soil composition and possible construction limitations.

Total fees this Change Order		\$	-
Original agreement amount		\$	116,000.00
Change Order Number		\$	12,965.80
Change Order Number		\$	-
Change Order Number		\$	-
Change Order Number		\$	-
<b>Total Agreement</b>		<b>\$</b>	<b>128,965.80</b>

Effect on Schedule: Approximately a one month delay in the project completion.

Payments shall be made in accordance with the original agreement terms. All other items and conditions of the original Agreement shall remain in full force and effect.

**STANTEC CONSULTING SERVICES INC.**

**CITY OF STONGSVILLE, OH**

Bruce E. Bassett, Jr., Principal  
 Print Name and Title

Thomas P. Perciak, Mayor  
 Print Name and Title

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_



PROFESSIONAL SERVICES AGREEMENT CHANGE ORDER

Change Order # 2 Date 20 April 2016

"STANTEC" STANTEC CONSULTING SERVICES INC.
STANTEC Project # 173409109
3700 Park East Drive, Cleveland, OH 44122
Ph: (216) 454-2150 Fx: (216) 454-9995
email: dave.mccallops@stantec.com

CLIENT CITY OF STONGSVILLE, OH
Client Project # N/A
16099 Foltz Parkway, Strongsville, OH 44149
Ph: (440) 580-3123 Fx:
email: lori.daley@stantec.com

Project Name and Location: Cherry Stone Drive Drainage Project

In accordance with the original Professional Services Agreement dated September 14, 2015 and Change Orders thereto, the Agreement changes as detailed below are hereby authorized.

Additional services include supplementary surveying upstream of the existing culvert to allow for the realignment of the proposed new box culvert.

Table with 2 columns: Description and Amount. Rows include Total fees this Change Order (\$ -), Original agreement amount (\$ 116,000.00), Change Order Number 1 (\$ 12,965.80), Change Order Number 2 (\$ 2,100.00), Change Order Number (blank) (\$ -), Change Order Number (blank) (\$ -), and Total Agreement (\$ 131,065.80).

Effect on Schedule: Approximately three week delay in the project completion.

Payments shall be made in accordance with the original agreement terms. All other items and conditions of the original Agreement shall remain in full force and effect.

STANTEC CONSULTING SERVICES INC.

CITY OF STONGSVILLE, OH

Bruce E. Bassett, Jr., Principal
Print Name and Title

Thomas P. Perciak, Mayor
Print Name and Title

Signature

Signature

Date Signed:

Date Signed:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 - 094

By: Mr. Daymut

**AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF SIEDEL FARMS SUBDIVISION NO. 5, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, the plat of Siedel Farms Subdivision No. 5 is being submitted to this Council for review pursuant to Title Four of Part Twelve entitled "Subdivision Regulations" of the Codified Ordinances of the City of Strongsville; and

WHEREAS, Siedel Land Holdings, LLC, the owner of said Subdivision, has submitted the subdivision plat and tax split map (attached hereto as Exhibits "1" and "1a") to the Planning Commission of the City of Strongsville, and the Planning Commission approved the plat on November 9, 2015, subject to certain conditions which have been satisfied; and

WHEREAS, the City Engineer has reviewed the aforesaid plat and documents, and finds them in good order and has approved them, and recommends to Council that this subdivision be approved for recording purposes only; and

WHEREAS, this Council desires to approve the aforesaid plat and map for recording purposes only.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That pursuant to Section 1228.03 of the City of Strongsville, this Council hereby approves the form of security by the owner, and the terms and conditions of the Agreement between the City and the Owner, attached hereto as Exhibit "2"; and it is hereby determined that all of the improvements as shown on the improvement plans on file with the City Engineer and/or required by Section 1228.01 shall be installed in the manner required by the Ordinances of the City on or before December 31, 2016.

**Section 2.** That the Mayor be and is hereby authorized to execute the aforesaid Agreement (Exhibit 2) and to do or delegate to appropriate officers and employees of the City the performance of all things necessary to implement and carry out such Agreement.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 - 094**  
**Page 2**

**Section 3.** That subject to the aforesaid Agreement, the Council of the City of Strongsville does hereby approve the subdivision plat submitted by Siedel Land Holdings, LLC, owner and developer of Siedel Farms Subdivision No. 5, in the City of Strongsville for recording purposes only.

**Section 4.** That the City Engineer be and is hereby authorized to accept the necessary plat and documents, which he shall keep on file on behalf of the City after recording with the Cuyahoga County Fiscal Officer. The Engineer is further directed to endorse on the plat that the plat is to be filed and recorded for recording purposes only, and not for dedication.

**Section 5.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 6.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to assure proper development of all lots and land within the City of Strongsville, and to conform to legal requirements. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-094 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**CENTERLINE CURVE DATA**

CURVE NUMBER REFERS TO SUBLOT OR BLOCK NUMBER

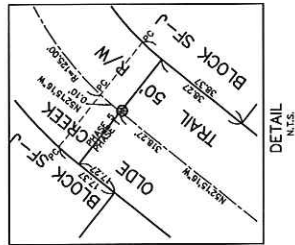
(G/L)	(G/L)	(G/L)	(G/L)
R=120.00° D=107.23° L=138.93° C=22.25° N232.92°E N193.91°E	R=120.00° D=27.27° L=138.93° C=22.25° N232.92°E	R=120.00° D=37.40° L=138.93° C=22.25° N232.92°E	R=120.00° D=60.00° L=138.93° C=22.25° N232.92°E

**SUBLOT & BLOCK CURVE DATA**

CURVE NUMBER REFERS TO SUBLOT OR BLOCK NUMBER

A	B	C	D	E	F
R=100.00° D=17.74° L=138.93° C=22.25° N232.92°E	R=100.00° D=37.40° L=138.93° C=22.25° N232.92°E	R=100.00° D=57.27° L=138.93° C=22.25° N232.92°E	R=100.00° D=77.14° L=138.93° C=22.25° N232.92°E	R=100.00° D=97.00° L=138.93° C=22.25° N232.92°E	R=100.00° D=116.87° L=138.93° C=22.25° N232.92°E

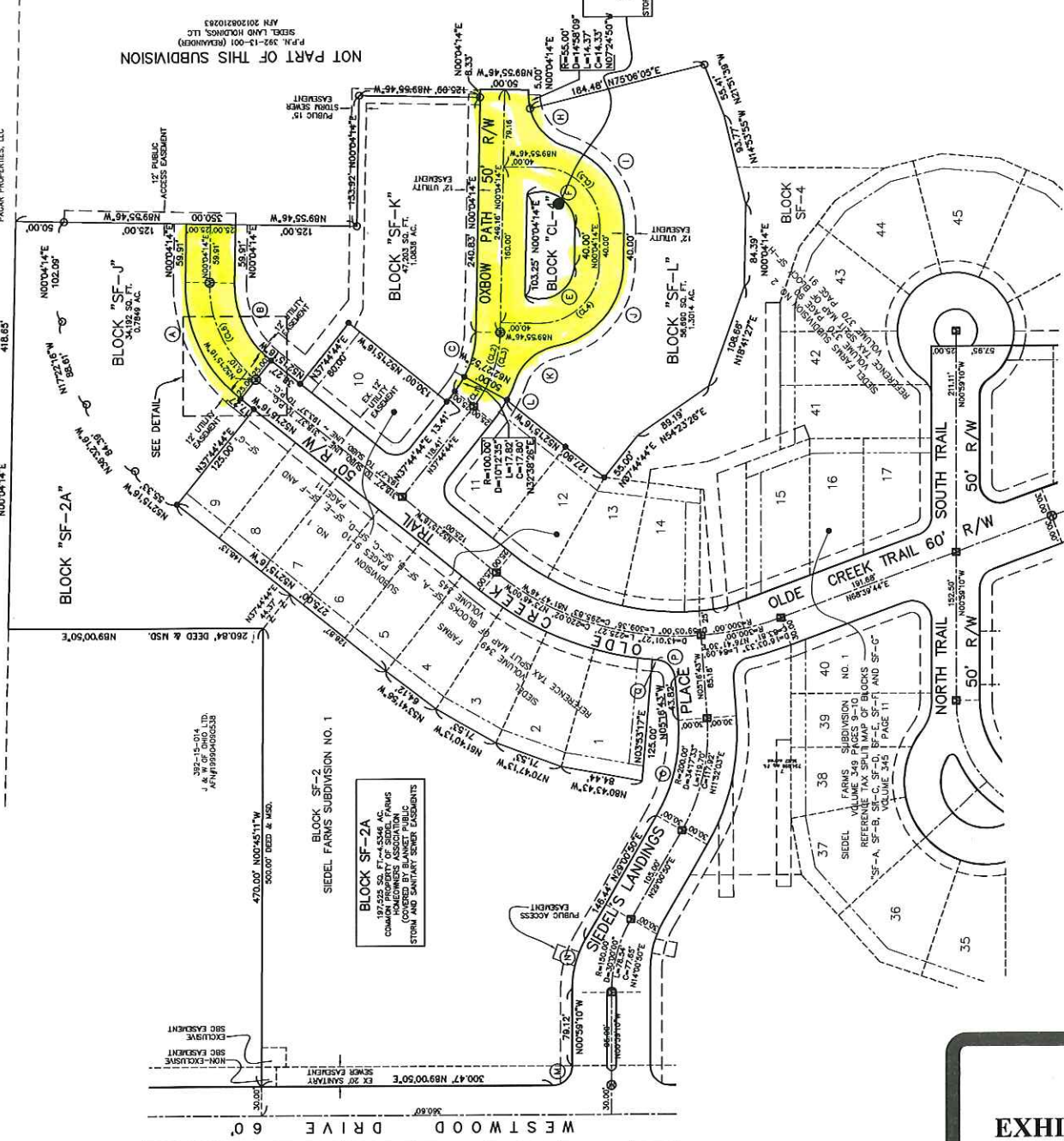


**LEGEND:**

- DENOTES 2" CAPPED (RETZ END) IRON PIN
- DENOTES 2" CAPPED (RETZ END) IRON PIN SET
- ⊙ DENOTES 2" CAPPED (RETZ END) IRON PIN SET IN MONUMENT BOX SET
- ⊠ IN MONUMENT BOX USED

GRAPHIC SCALE  
 0 5 10 20  
 SCALE: 1" = 50'

BASED ON OLDE CREEK TRAIL BEARING N42°15'W



NOT PART OF THIS SUBDIVISION  
 P.L. 392-13-001 (EXAMINED)  
 K.M. 201208210283

**BLOCK CL-4**  
 4.84 AC. ±  
 4.84 AC. ±  
 SOUTH COMMON PROPERTY FRAMES  
 HOMEOWNERS ASSOCIATION, INC.  
 STORM AND SANITARY SEWER EASEMENTS

**BLOCK SF-2A**  
 197,725 SQ. FT. ±  
 4.55 AC. ±  
 COMMON PROPERTY FRAMES  
 HOMEOWNERS ASSOCIATION, INC.  
 STORM AND SANITARY SEWER EASEMENTS

**BLOCK SF-2B**  
 470,007 SQ. FT. ±  
 10.76 AC. ±  
 DEED & MSD.



## SUBDIVISION IMPROVEMENTS SECURITY AGREEMENT

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between **SIEDEL LAND HOLDINGS, LLC**, an Ohio limited liability company, located at 22700 Royalton Road, Strongsville, Ohio 44149, hereinafter called the "Developer", and the **CITY OF STRONGSVILLE**, a municipal corporation of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, hereinafter called "City".

WHEREAS, **SIEDEL LAND HOLDINGS, LLC** is the owner and developer of certain property located in the City of Strongsville; and

WHEREAS, Developer is desirous of developing the aforesaid property owned by it and known as **SIEDEL FARMS SUBDIVISION NO. 5**, as the same was approved by the City's Planning Commission on November 9, 2015, subject to conditions which have been substantially satisfied; and

WHEREAS, the Council of the City has adopted subdivision regulations consisting of Title Four of Part Twelve of the Planning and Zoning Code of the Codified Ordinances of the City, which establish requirements for the submission, approval, construction and dedication of subdivision improvements; and

WHEREAS, said subdivision regulations provide at Section 1228.03 of the Codified Ordinances that no plat for record shall be approved for record purposes until the improvements required by Section 1228.01 of the Codified Ordinances (hereinafter "improvements") have been installed, or until Council approves an agreement and a form of security which assure that the cost and expense of all improvements are available to the City for the completion of such improvements in the event that the Developer defaults or otherwise fails to perform Developer's commitment to complete such improvements; and

WHEREAS, Developer has agreed to pay for the installation and completion of the aforesaid improvements and comply with and abide by all the terms and conditions established by the Planning Commission, as set forth in this agreement, and contained in the applicable law, and the receipt of which is hereby acknowledged.

NOW, THEREFORE, in consideration of the aforesaid premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Developer and City do hereby mutually covenant and agree as follows:

### **I. IMPROVEMENTS, SECURITY, ACCEPTANCE AND DEDICATION.**

1. Developer shall convey or dedicate to the City all the public streets, alleys, roads, avenues, drives and public ways in the Subdivision known as **SIEDEL FARMS SUBDIVISION NO. 5**, as approved by the City's Planning Commission on November 9, 2015.

2. Developer shall convey or dedicate to the City or other appropriate public entity or public utility all public sewers, water lines and other public utilities and improvements constructed or caused to be constructed on the aforementioned streets, alleys, roads, avenues, drives and public ways in said Subdivision or outside the Subdivision, and shall grant easements and rights-of-way to said entities as may be required.

3. Developer shall construct or enter into a contract for the construction of the improvements required in the aforesaid Subdivision, as approved by the City Engineer on November 9, 2015, in accordance with the terms of this Agreement, the General Requirements herein, and the Subdivision Regulations of the City and shall pay the total cost thereof. Developer shall complete all street pavements, curbs, sidewalks, sanitary sewer systems, storm drainage systems, water mains, and other utilities to be constructed in public rights-of-way on or before December 31, 2016; unless said time(s) is or are extended by the Council of the City. Such time extension(s) may be granted so long as the City Engineer determines that delays in construction are not the result of the actions or inactions of the Developer, and that Developer is making reasonable efforts to complete said improvements. Such extension(s) shall not be unreasonably withheld.

4. Any and all of the work performed as hereinabove provided shall be done subject to the approval of and inspection by the City Engineer.

5. In order to secure the performance of this Agreement and all the aforesaid work in accordance with the standards established in the Subdivision Regulations and the completion of such work within the time period(s) established herein, Developer herewith deposits with **DOLLAR BANK, FSB**, a financial institution located at 1301 East 9<sup>th</sup> Street, 9<sup>th</sup> Floor, Cleveland, Ohio 44114 (hereinafter referred to as "Escrow Agent") the total sum of **\$476,600.00** (hereinafter referred to as the "improvements security funds") to be held in escrow in accordance with the Escrow Agreement attached hereto and incorporated herein as Exhibit A and subject to the following terms:

- A. Escrow Agent shall deposit and/or invest the improvements security funds in the following accounts, and/or investments which the City is authorized to utilize by law, subject to the approval of Developer, which shall not be unreasonably withheld:
- (1) Interest-bearing accounts of **DOLLAR BANK, FSB** payable or withdrawable, on demand.
  - (2) Direct obligations of the United States maturing or redeemable on or before the date for completion established in accordance with Paragraph 3 above.
  - (3) Certificates of deposit maturing or redeemable on or before the date for completion established in accordance with Paragraph 3 above.



- B. Escrow Agent is authorized to deliver or disburse the improvements security funds or any part thereof, with any additional funds including interest earned on the aforesaid sum, less any and all fees or penalties arising from the deposit or investment to the Developer as follows:
- (1) Only upon receipt of all of the following items shall the Escrow Agent deliver or disburse all or the remainder of the improvements security funds:
    - (a) The certificate of the City Engineer that all improvements have been installed in accordance with the requirements of the subdivision regulations of the City and with the actions of the Planning Commission;
    - (b) Evidence of receipt by the City of a maintenance bond securing the maintenance and repair of the improvements for a period of two years in a form approved by the Law Director;
    - (c) A policy of title insurance in form approved by the Law Director covering all lands to be dedicated to public use, and showing title to the same to be in the City free and clear of any easements, mortgages, taxes, liens, assessments or other encumbrances of any kind whatsoever except the easements required by the Subdivision Regulations of the City and taxes not yet due and payable, or a certificate from the City Engineer acknowledging receipt of same;
    - (d) Evidence of Deposit by the Developer with the City or the Escrow Agent of a sum sufficient to pay all taxes and assessments which are a lien but not yet due and payable; and
    - (e) A copy of legislation duly adopted by the Council of the City accepting the dedication or conveyance of all lands and improvements required to be dedicated or conveyed by this Agreement, certified by the Clerk of Council to be a true and correct copy of the original.
  - (2) Upon receipt of certification by the City Engineer of the satisfactory completion of a portion of the aforesaid improvements, and upon a determination by the City that all remaining uncompleted improvements are adequately secured, the Escrow Agent shall release a portion of the improvements security funds deposited equal to an amount estimated by the City Engineer to be the cost of that portion of the improvements completed, or the difference between the total sum on deposit and the total sum determined by the City to be necessary to secure the completion of all

remaining uncompleted improvements and all other obligations of Developer under this agreement, whichever may be less.

- C. The Escrow Agent is authorized to deliver or disburse to the City all or any part of the improvements security funds as determined by the City Engineer, plus any additional funds including interest earned on the aforesaid sums, less any and all fees or penalties due arising from the deposit or investment upon Escrow Agent being notified by the City of the occurrence of one or more of the following events:
- (1) If the Developer assigns this Agreement, or any interest therein to any person, firm or corporation, or gives to any person, firm or corporation, any order or orders thereon;
  - (2) If the required improvements shall violate building subdivision or zoning laws of the City;
  - (3) If the land within the development area as identified on the subdivision plat approved for record purposes is used for any unlawful purpose, or is occupied for other than dwelling purposes, or for any purpose without the approval of the appropriate administrative official, board, or commission of the City;
  - (4) If the improvements are not fully constructed by the completion date(s) established in paragraph I. 3. above, or by any extension date approved by Council pursuant thereto.
  - (5) If the improvements in the judgment of the City Engineer are materially injured or destroyed prior to acceptance by the City, and no insurance or other provision acceptable to the City is made for prompt replacement or repair of the same at no cost to the City.
  - (6) If the Developer fails to construct the improvements in accordance with plans and specifications that have been approved by the proper City authorities having charge thereof;
  - (7) If the Developer does not permit the City or its authorized agents or employees to enter upon and inspect the same in every part at all reasonable times;
  - (8) If the Developer shall commit an act of bankruptcy or if any relief under the Bankruptcy Act is sought by or against Developer or if a receiver is appointed to take charge of the assets or affairs of the Developer or if Developer should become insolvent.

Prior to the delivery or disbursal of improvements security funds under this paragraph I. 5.C., the City shall provide written notice by personal, or mail delivery to Developer of the grounds therefor, and

shall establish and notify Developer of a time period within which Developer shall be afforded an opportunity to correct or cure the circumstances giving rise thereto. Such time period for correction or cure shall be no less than forty-five (45) days, unless the City Engineer determines that immediate work is required to protect the public health, safety and welfare, in which case such time period shall be as established by the City Engineer.

- D. The Developer and the City agree that any interest earned on the improvements security funds shall be disbursed to the same parties, at the same time, and in the same proportion as the principal.
- E. In the event of any dispute under this Agreement, Developer and City agree that City and the Escrow Agent shall disburse the improvements security funds in accordance with a final judgment entered in a court of law determining legal entitlement to such funds. Such a judgment will not be considered final until appellate review sought by either or both of the parties with respect to their legal entitlement to such funds has terminated.

Upon the proper completion of all improvements and their approval by the City Engineer, and if said improvements then comply with all present state laws, City ordinances and Planning Commission rules, regulations and requirements, and all other subdivision regulations of the City have been complied with, the City will then accept the aforesaid improvements.

## **II. GENERAL REQUIREMENTS.**

1. Developer's application(s), all maps on file, construction plans, detail maps and state laws, present City ordinances, Planning Commission rules, regulations and official acts with respect to this Subdivision and all the terms and conditions of final approval are incorporated herein by reference as if set forth at length, except as expressly modified herein.

2. Prior to proceeding with the work, the Developer will apply for and secure permit(s) and pay all fees as required by the City ordinances.

3. The Developer agrees that if any drainage easements are necessary to insure adequate drainage of the tract, same shall be obtained by the Developer at its sole cost and expense. All of such easements which are necessary for the drainage in the tract shall be procured in the name of the City, it being understood that same shall be held until acceptance of the streets by the City, after which same will be recorded in the City's favor. The taking of such easements shall not be construed as the exercise of dominion and control by the City over said streets until such time as they are formally accepted.

4. The Developer agrees that if during the course of construction and installation of improvements it shall be determined by the City Engineer that revision of

the drainage plan is necessary in the public interest, it will undertake such design and construction changes as may be reasonable and are indicated by the City Engineer and approved by the City.

5. Developer shall defend, indemnify and hold harmless City and its officials, employees and agents, and their respective heirs, successors, personal representatives and assigns, from and against any and all suits, legal or administrative proceedings, claims, demands, actual damages, punitive damages, losses, costs, liabilities, interest, attorney's fees and expenses of whatever kind and nature, in law or equity, known or unknown, based upon, resulting from or arising directly or indirectly out of the condition, status, quality, nature, contamination or environmental state of the Developer's Property until such time as all environmental laws, regulations, orders and directives are complied with.

6. The Developer hereby agrees to procure, at its expense, the necessary permits and furnish any bond required for the opening of any state or county roads.

7. Developer agrees that prior to the issuance of any building permits within the subdivision, all street pavements, curbs, sanitary sewer systems, storm drainage systems, water mains and required appurtenances shall be completed and approved by the City Engineer, provided that the Building Commissioner may issue permits for "Model" home(s) or unit(s) upon his determination that improvements have been installed to the extent he deems necessary to serve and permit occupancy of such home(s) or unit(s); and, except as otherwise provided for model home(s) and unit(s), prior to the issuance of any certificates of occupancy by the City, all improvements and utilities must be completed and all other applicable state and local requirements must be complied with.

8. The City shall not be responsible for road or other improvements, maintenance or care until the same are accepted for dedication, nor shall the City exercise any control over the improvements until accepted for dedication.

9. The Developer shall maintain, clean and snow plow such roads until acceptance by the City. In the event of default of these obligations by the Developer, the City without notice to the Developer may undertake the same at the expense of the Developer.

10. If the City determines that there is a violation of present state laws, City ordinances, Planning Commission rules, regulations and requirements, subdivision regulations and/or terms and provisions of this Agreement, it may issue a stop work order.

11. This Agreement and the covenants contained herein shall run with the land, and shall inure to the benefit of the City and its successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their hands the day and year first above written.

**"CITY"**  
**CITY OF STRONGSVILLE**

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Thomas P. Perciak  
Title: \_\_\_\_\_  
Mayor

**"DEVELOPER"**  
**SIEDEL LAND HOLDINGS, LLC**  
**(an Ohio Limited Liability Co.)**

*Kevin M. Barlow*  
\_\_\_\_\_  
*Alan G. [unclear]*  
\_\_\_\_\_

By: *Roger A. Puzzitiello*  
\_\_\_\_\_  
Its: *TREASURER*  
\_\_\_\_\_

STATE OF OHIO                    )  
  ) ss  
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named **CITY OF STRONGSVILLE**, by Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said City and his free act and deed as such officer of the municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Strongsville, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

STATE OF OHIO                    )  
  ) ss  
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named **SIEDEL LAND HOLDINGS, LLC, an Ohio Limited Liability Co.**, by *Roger A. Puzzitiello*, its *Treasurer*, who acknowledged

that he did sign the foregoing instrument and that the same is the free act and deed of said limited liability company, and his free act and deed personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Strongsville, Ohio, this 26<sup>th</sup> day of April, 2016.

Ann M. Barlow  
Notary Public **ANN M BARLOW, Notary Public**  
In and for the State of Ohio  
My Commission Expires February 02, 2020

**CERTIFICATE OF LAW DIRECTOR**

I hereby certify that I have reviewed and approved the form of the foregoing instrument this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Law Director

**NOTICE:** Funds invested pursuant to this Agreement are not insured by the Federal Deposit Insurance Corporation ("FDIC") merely because the Escrow Agent is a federal savings bank the accounts of which are covered by such insurance. Only investments in the accounts of a federal savings bank are insured by the FDIC, subject to its rules and regulations.

**Exhibit "A"**

**ESCROW AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_ day of \_\_\_\_\_, 2016, by and among the **CITY OF STRONGSVILLE**, a municipal corporation of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149 ("City"), **SIEDEL LAND HOLDINGS, LLC**, an Ohio limited liability company, organized and existing under the laws of the State of Ohio, located at 22700 Royalton Road, Strongsville, Ohio 44149 ("Owner"), and **DOLLAR BANK, FSB** a financial institution and escrow agent, located at 1301 East 9<sup>th</sup> Street, 9<sup>th</sup> Floor, Cleveland, Ohio 44114 ("Escrow Agent").

**WITNESSETH:**

In consideration of the foregoing and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. There shall be deposited with the Escrow Agent the sum of **Four Hundred Seventy-Six Thousand Six Hundred and no/100 Dollars (\$476,600.00)** ("Deposit"), to be held pursuant to the terms hereof. Upon Escrow Agent's receipt of the full Deposit, Escrow Agent shall notify both the City and Owner in writing.

2. Escrow Agent shall establish and maintain an escrow account ("Escrow") for the purposes hereof, and shall invest the Deposit in any investments as directed in writing by the City and which is agreed to by Owner pursuant to the Subdivision Improvements Security Agreement by and between City and Owner ("Security Agreement"). The Deposit, any gains and losses, and interest accruing thereon (such gains, losses and interest hereinafter referred to as "Deposit Interest") shall be held in the Escrow Account until disbursed in accordance with the provisions of the Security Agreement and the provisions set forth below.

3. Upon receipt by Escrow Agent of written instructions signed by City, which instructions shall be in accordance with the Security Agreement, the Escrow Agent shall disburse the Deposit and the Deposit Interest to the party or parties designated by the notice to receive such and, when the entire deposit has been disbursed, this Escrow Agreement shall terminate.

4. The Escrow Account shall be maintained by Escrow Agent in accordance with the following terms and conditions:

A. Escrow Agent undertakes to perform only such duties as are expressly set forth herein.

B. Escrow Agent may rely and shall be protected in acting or refraining from acting upon any written notice, instructions or request furnished to it hereunder and believed by it to be genuine and to have been signed or presented by the proper party or parties.

C. Escrow Agent shall not be liable for any action taken by it in good faith, and believed by it to be authorized or within the rights or powers conferred upon it by this Agreement, and may consult with counsel of its own choice and shall have full and complete authorization and protection for any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

D. Escrow Agent may resign and be discharged from its duties or obligations hereunder by giving notice in writing of such resignation specifying a date when such resignation shall take effect.

E. Owner hereby agrees to pay Escrow Agent reasonable compensation for the services to be rendered hereunder, and will pay or reimburse Escrow Agent upon request for all expenses, disbursements and advances, including reasonable attorney fees, incurred or made by it in connection with carrying out its duties hereunder.

F. Owner hereby agrees to defend and indemnify Escrow Agent for, and to hold it harmless against any loss, liability or expense incurred without negligence or bad faith on the part of Escrow Agent, arising out of or in connection with its entering into this Agreement and carrying out its duties hereunder, including the cost and expense of defending itself against any claim of liability in the premises.

5. All notices and communications hereunder shall be in writing and shall be deemed to be given if sent by registered mail, return receipt requested, as follows:

**DOLLAR BANK, FSB**  
1301 East 9<sup>th</sup> Street, 9<sup>th</sup> Floor  
Cleveland, Ohio 44114  
Attention: Griff King, CTP, Vice-President

**SIEDEL LAND HOLDINGS, LLC**  
22700 Royalton Road  
Strongsville, Ohio 44149  
Attention: Chris Bender, Agent

**CITY OF STRONGSVILLE**  
16099 Foltz Parkway  
Strongsville, Ohio 44149  
Attention: Law Director



IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement on the day and year first above written.

Signed in the presence of:

**SIEDEL LAND HOLDINGS, LLC**  
(an Ohio Limited Liability Co.)

Ann M. Baylow  
Mr. G. M.

By: Robert Leggett  
Its: TREASURER

**CITY OF STRONGSVILLE, OHIO**

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Thomas P. Perciak  
Its: Mayor

**DOLLAR BANK, FSB**

\_\_\_\_\_  
\_\_\_\_\_

By: Cap King  
Its: VP, Treasury Management



PATRICIA M. MCGINTY  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
December 11, 2016

*Patricia M. McGinty*

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 -095

By: Mr. Daymut

**A RESOLUTION DECLARING THE INTENT OF THE COUNCIL OF THE CITY OF STRONGSVILLE TO ACCEPT FOR DEDICATION CERTAIN STREETS WITHIN SIEDEL FARMS SUBDIVISION NO. 5, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2016-094 duly passed by this Council on \_\_\_\_\_, the Council of the City of Strongsville accepted the plat submitted by Siedel Land Holdings, LLC., the owner of Siedel Farms Subdivision No. 5, for recording purposes only; and

WHEREAS, it is the intent of this Council, after all improvements have been installed within the streets within the said subdivision and approved by the City Engineer, to accept said subdivision for dedication; and

WHEREAS, as a prerequisite for the obtaining of permits from the City of Cleveland to install water mains within the said streets of said subdivision, a resolution of intent is required from the City of Strongsville before issuing such permits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That the Council of the City of Strongsville does intend to accept for dedication, the streets shown on the subdivision plat of Siedel Farms Subdivision No. 5, after all improvements, including utilities, have been installed and approved by the Engineer of the City of Strongsville, and after performance of the terms and conditions of the Agreement between the Developer and the City approved in Ordinance No. 2016-094.

**Section 2.** That the Clerk of Council is hereby authorized and directed to send a copy of this Resolution to the City of Cleveland, Department of Public Utilities, Division of Water.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**CITY OF STRONGSVILLE, OHIO**  
**RESOLUTION NO. 2016 – 095**  
**Page 2**

**Section 4.** That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to assure proper development of all lots and land within the City of Strongsville. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

RES  
 ORD. No. 2016-095 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 096

By: Mr. DeMio

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF ONE (1) NEW 2016 SUTPHEN EXTREME DUTY PUMPER WITH RELATED VEHICLE MODIFICATIONS AND APPURTENANCES, FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, this Council wishes to take advantage of that opportunity to purchase one (1) new 2016 Sutphen Extreme Duty Pumper with related vehicle modifications and appurtenances (Schedule No. 800257, Index No. STS618), for use by the Fire Department of the City; and

WHEREAS, the final equipment required cannot be determined until the modifications on the vehicle begin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That the Mayor accordingly be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in an Ohio Department of Administrative Services contract with **SUTPHEN CORPORATION** for the purchase of one (1) new 2016 Sutphen Extreme Duty Pumper with related vehicle modifications and appurtenances to be determined during the construction of the vehicle, in a total amount not to exceed \$460,000.00, as reflected in the base price set out in Exhibit A attached hereto.

**Section 2.** That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases, and to directly pay the vendor, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.

**Section 3.** That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreements and documents as may be necessary to participate in the Ohio Department of Administrative Services Cooperative Purchasing Program.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 - 096**  
**Page 2**

**Section 4.** That the funds for the purposes of said purchase and Agreement have been appropriated and shall be paid from the Emergency Vehicle Fund.

**Section 5.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to enter into said contract to provide for the continuity of services and operation of the City of Strongsville Fire Department, to provide updated equipment for fire rescue services, to protect the lives of persons in the City of Strongsville, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_

Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-096 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



**To The:**

**Date April 14, 2016**

Strongsville Fire Department  
17000 Prospect rd  
Strongsville Ohio 44149

**FOR YOUR REVIEW:**

We hereby propose and agree to furnish the following firefighting apparatus upon your acceptance of this proposal:

**One Sutphen extreme duty Pumper Listed on State Of Ohio STS  
Delivered for the total sum of -----\$456,145.84  
Payment due at time of delivery  
100% performance bond is included**

This will be manufactured completely in accordance to the following proposal and delivered approximately 7-10 months after approval of contract, subject to delays from all causes beyond our control. Unless accepted within **30 days** the right is reserved to withdraw this proposal.

Respectfully submitted by:

**Dan Herb/Andy Herb**  
Sales Representatives

**EXHIBIT A**

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 097

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FRATERNAL ORDER OF POLICE, PARMA LODGE #15 (CORRECTIONS OFFICERS) AND THE CITY OF STRONGSVILLE THROUGH DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That the Mayor be and is hereby authorized and directed to execute and enter into a new collective bargaining agreement between the Fraternal Order of Police, Parma Lodge #15 (Corrections Officers) and the City of Strongsville for a three-year period commencing retroactive to January 1, 2016 through December 31, 2018, copies of which are on file with the Clerk of Council and Human Resources Director, and which is in all respects hereby approved.

**Section 2.** That the funds for the purposes of the aforesaid contract's 2016 requirements have been or will be appropriated and shall be paid from the General Fund, and thereafter in accordance with the annual appropriation ordinances adopted by Council.

**Section 3.** That the provisions of the aforesaid Agreement and this Ordinance shall be retroactive to and operative from and after January 1, 2016; and the provisions of said Agreement shall be applied to each City employee who is a member of said collective bargaining unit from and after January 1, 2016.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the immediate approval and implementation of the aforesaid Agreement is necessary in order to maintain the orderly and efficient operation of the Corrections Unit of the Police Department of the City, provide fair compensation for such collective bargaining unit members, and to conserve

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 097**  
**Page 2**

public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-097 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 098

By: Mayor Perciak and All Members of Council

**AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND MAKE PAYMENT FOR VARIOUS EMERGENCY REPAIRS TO A CITY STORM SEWER AND APPURTENANCES, ON POINT OVERLOOK DRIVE IN THE CITY OF STRONGSVILLE, WITHOUT PUBLIC BIDDING; AND DECLARING AN EMERGENCY.**

WHEREAS, on or about Wednesday, March 30, 2016, a storm sewer on Point Overlook Drive failed due to erosion, which created emergency circumstances threatening the health, safety and welfare of certain of the City's residents and their properties; and

WHEREAS, in order to properly address such emergency circumstances and notwithstanding the best efforts of the City's Department of Public Service, and Engineering Department, it has become necessary to enter into a contract for supplemental services to repair the City storm sewer and appurtenances, which is located in public easement areas, on an emergency basis; and

WHEREAS, such actions have been and are undertaken only upon the approval and recommendations of the Mayor, Director of Public Service and City Engineer, and with a City contractor that can quickly mobilize resources, and which is totally responsive and proposes competitive and reasonable rates for such services; and

WHEREAS, it has and will become necessary to render payments for such emergency services in order to facilitate additional services as they become required in order to clean up debris and conduct further maintenance and/or repairs as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, BY UNANIMOUS AFFIRMATIVE VOTE:

**Section 1.** That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it has become immediately necessary to enter into a contract, without public bidding, with **MARKS CONSTRUCTION, INC.**, for various emergency repair services to a City storm sewer and appurtenances, in a public right-of-way or otherwise primarily on designated public easements, because of the failure of a storm sewer due to erosion, in order to provide for the operation of the Service Department and Engineering Department and the proper maintenance of the City storm sewers, drainage facilities and appurtenances of the public storm sewer system within the City, to protect the health, safety, welfare and property of the residents, and to conserve public funds.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 098**  
**Page 2**

**Section 2.** That, for the reasons aforesaid, this Council hereby approves, ratifies and authorizes the Mayor proceeding with such emergency repair work necessary under the afore-described circumstances, and entering into a contract with **MARKS CONSTRUCTION, INC.**, without public bidding, in a total amount not to exceed \$65,565.75, for the emergency repair services to a City storm sewer and appurtenances within the City, all as reflected on the invoice attached hereto as Exhibit A and incorporated herein by reference and which is approved.

**Section 3.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Drainage Levy Fund.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to approve, authorize and ratify the contract for payment of emergency work in order to provide for the services, operation, and maintenance of the City's Department of Public Service and Engineering Department, to properly maintain City storm sewers, drainage facilities and appurtenances, to protect the health, safety and welfare of the residents, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

\_\_\_\_\_ Approved: \_\_\_\_\_  
 President of Council Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-098 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

RECEIVED

APR 12 2016

Invoice

MARKS CONSTRUCTION, INC. -

5855 CENTER ROAD  
VALLEY CITY, OH 44280  
330-273-3121  
330-220-6622 FAX

CITY OF STRONGSVILLE  
SERVICE DEPARTMENT

DATE INVOICE #  
4/8/2016 2445

BILL TO

CITY OF STRONGSVILLE  
MIKE GALLAGHER  
16099 FOLTZ PARKWAY  
STRONGSVILLE, OHIO 44149  
440-580-3176

TERMS: DUE UPON RECEIPT UNLESS OTHERWISE SPECIFIED OR AGREED UPON BETWEEN CONTRACTOR AND PROPERTY OWNER. NET 30, 2% service charge per month, 24% per year on past due balance, CUSTOMER, agrees to pay all collection, attorney, and/or court costs incurred by the SELLER in the event it is necessary to enforce payment.

DESCRIPTION	QTY	RATE	AMOUNT
MARK JR - MOBILIZE 160	2	85.00	170.00
ADAM - LABOR	2	35.00	70.00
WAYNE - MOBILIZE 250	2	85.00	170.00
WAYNE - LABOR	2	35.00	70.00
WAYNE - HAULING TANDEM	2.5	85.00	212.50
WAYNE - HAULING SEMI	4.5	125.00	562.50
WAYNE - 160	1.25	145.00	181.25
DAVE - 140	13	125.00	1,625.00
DAVE - 250	0.5	180.00	90.00
ADAM - LABOR	12.75	35.00	446.25
MARK JR - HAULING TANDEM	10	85.00	850.00
MARK JR - LABOR	4	35.00	140.00
MARK SR - 250	12.75	180.00	2,295.00
ZOLLINGER - HAULING	3	85.00	255.00
DUMP CHARGE	2	85.00	170.00
WAYNE - 160	2.5	145.00	362.50
WAYNE - HAULING - TANDEM	7.75	85.00	658.75
DAVE - 140	9.75	125.00	1,218.75
ADAM - LABOR	9.25	35.00	323.75
MARK JR - TRUCKING - TANDEM	10	85.00	850.00
MARK JR - LABOR	1	35.00	35.00
MARK SR - 250	10	180.00	1,800.00
ARMOR STONE 03/30/16	219.55 ✓	47.00	10,318.85 ✓
ARMOR STONE 03/31/16	163.06 ✓	47.00	7,663.82 ✓
ARMOR STONE 04/01/16	73.09 ✓	47.00	3,435.23 ✓
#304 STONE 04/01/16	38.07 ✓	26.60	1,012.66 ✓
MARK JR - HAULING - TANDEM	7.5	85.00	637.50

OK MG  
4-12-16

  
4/12/16

Total

RECEIVED

APR 12 2016

Invoice

MARKS CONSTRUCTION, INC. -

5855 CENTER ROAD  
VALLEY CITY, OH 44280  
330-273-3121  
330-220-6622 FAX

CITY OF STRONGSVILLE  
SERVICE DEPARTMENT

DATE INVOICE #  
4/8/2016 2445

BILL TO

CITY OF STRONGSVILLE  
MIKE GALLAGHER  
16099 FOLTZ PARKWAY  
STRONGSVILLE, OHIO 44149  
440-580-3176

TERMS: DUE UPON RECEIPT UNLESS OTHERWISE SPECIFIED OR AGREED UPON BETWEEN CONTRACTOR AND PROPERTY OWNER. NET 30, 2% service charge per month, 24% per year on past due balance, CUSTOMER, agrees to pay all collection, attorney, and/or court costs incurred by the SELLER in the event it is necessary to enforce payment.

DESCRIPTION	QTY	RATE	AMOUNT
MARK JR - LABOR	1	35.00	35.00
DAVE - 140	9.5	125.00	1,187.50
MARK SR - 250	8.5	180.00	1,530.00
ARMOR STONE 04/04/16	146.1 ✓	47.00	6,866.70 ✓
#8 LIMESTONE	115.1 ✓	28.65	3,297.62 ✓
WAYNE - TANDEM - TRUCKING	6.25	85.00	531.25
WAYNE - 160	1	145.00	145.00
WAYNE - LABOR	1.5	35.00	52.50
DAVE - 140	8.75	125.00	1,093.75
MARK JR - TANDEM - TRUCKING	6.25	85.00	531.25
ADAM - 250	8.75	180.00	1,575.00
ARMOR STONE 04/05/16	146.47 ✓	47.00	6,884.09 ✓
#8 LIMESTONE	13.98 ✓	28.65	400.53 ✓
DAVE - 140	8	125.00	1,000.00
MARK JR - 78	6	100.00	600.00
MARK JR - LABOR		35.00	35.00
WAYNE - TANDEM	6	85.00	510.00
WAYNE - LABOR	1.75	35.00	61.25
ADAM - 250	8	180.00	1,440.00
#8 LIMESTONE 04/06/16	26.11 ✓	28.65	748.05 ✓
DAVE - 140	5.75	125.00	718.75
ADAM - LABOR	5	35.00	175.00
#8 LIMESTONE 04/07/16	13.48 ✓	28.65	386.20 ✓
RESTROOM	1	137.00	137.00

Total

\$65,565.75

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 099

By: Mr. Short

**AN ORDINANCE AUTHORIZING THE SALE BY INTERNET AUCTION, OF CERTAIN OBSOLETE PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY'S RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That this Council finds that the Recreation Department of the City of Strongsville is in possession of certain old and obsolete equipment and/or tangible property which is obsolete, surplus, has little monetary value, and is no longer needed for any municipal purpose, as more particularly described in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and further finds, therefore, that it will be in the best interest of the City that such property be sold by public internet auction through GovDeals.

**Section 2.** That pursuant to Ohio Revised Code Section 721.15, the City is authorized to sell or dispose of property by internet auction; and that, pursuant to Article IV, Section 3(e) of the City Charter, the Mayor and Director of Finance be and are hereby authorized to dispose of such obsolete tangible property identified in Exhibit "A," and to perform all acts required in furtherance thereof.

**Section 3.** That the Director of Finance and the Mayor therefore are authorized to retain the services of **GovDeals** to effectuate the sale of such obsolete property by internet auction through an appropriate user agreement between the City and GovDeals, and in a form to be approved by the Law Director; and that the Director of Finance, Mayor and Director of Recreation & Senior Services be and are further authorized and directed to execute all documents and perform all acts required to complete the sale of such obsolete and unneeded property by public internet auction.

**Section 4.** That the public internet auction will be conducted through GovDeals in accordance with its rules, regulations and procedures, including listing of the obsolete and unneeded property for sale by auction to the public on the internet. That as required by law, the property will be listed for ten (10) days, including Saturdays, Sundays and legal holidays.

**Section 5.** That the net proceeds of the operation of this Ordinance shall be deposited into the Multi-Purpose Complex Fund and/or Recreation Capital Improvement Fund.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 099**  
**Page 2**

**Section 6.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 7.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the immediate sale of such obsolete and unneeded municipal property is necessary in order to provide necessary storage space for the Recreation Department, to enable the Department to replace obsolete equipment, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_ Approved: \_\_\_\_\_  
 President of Council Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-099 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**EQUIPMENT \*Location Code In ()**

**NUMBER**

**SERIAL NUMBER**

**LifeFitness Total Body:**

Fit Stride 93x (LFTBE)

2	<u>AXA 100122</u>
3	<u>AXA 100097</u>
4	<u>AXA 100120</u>
5	<u>AXA 101056</u>
6	<u>AXA 100121</u>
7	<u>AXA 100119</u>

Summit Trainer 95LI (OCMY5)

LXX 103286

**LifeFitness Total Body (older)**

9500 HR (LFTBE)

1	<u>CTG 115157</u>
2	<u>CTG 124132</u>
3	<u>CTG 128133</u>
4	<u>CTG 124432</u>

**LifeFitness Treadmills:**

95Ti (LFTM)

2	<u>ATT 109980</u>
3	<u>ATT 109740</u>
4	<u>ATT 109742</u>
5	<u>ATT 109743</u>
6	<u>ATT 109559</u>
7	<u>ATT 109560</u>
8	<u>ATT 109865</u>
9	<u>ATT 109567</u>
10	<u>ATT 109968</u>
11	<u>ATT 109982</u>
12	<u>ATT 109544</u>
13	<u>ATT 109735</u>



**LifeFitness Uprights**  
93C (LFUB)

1 CCL 100847  
2 CCL 100848

**LifeFitness Semi-Recumbant**  
93R (LFRB)

1 CCN 100627  
2 CCN 100626  
3 CCN 100629  
4 CCN 100628  
5 CCN 100630  
6 CCN 100631

**LifeFitness Stairclimbers**  
93S (LFS)

A ACD100327  
B ACD100325  
C ACD100324  
D ACD100328  
F ACD100323

**Ergometers**  
SciFit (UBE)

1 620506

**Rowers**  
Concept II (C2R)

1 510 (City #)  
2 506  
3 511

**Airdynes**  
Schwinn (new) (SAB)

1 0036G00105

**Treadmills**  
Quinton (QTM)  
clubtrack 3.0 hyperdrive

6 00377-001-36630  
7 00377-001-36632  
8 00377-001-37818



9 00377-001-36633  
10 00377-001-37815

**LifeFitness Lower Body**

CT 9500 (LBE)

"

"

685739

685901

685766

**Cybox Arc Trainer  
(CAT) (610A)**

A0427610A9014N11035

A0522610A9014N11459

A0427610A9014N11030

A0427610A9014N11037

A0419610A9014N10887

**Step Mills (7000PT)**

**Step Mills (7000PT)**

Nautilus SM5

2.00001E+13

2.00001E+13

150005day11430112

**PRECOR (576I) Inclining Elliptical**

**PRECOR (576I) Inclining Elliptical**

**PRECOR (576I) Inclining Elliptical**

AA72J19090011

AA72J27090006

AA72J27090004

Precor AMT 835 Adaptive Motion Trainer - P30 Console OPEN STRIDE

Precor UBK 835 Upright Cycle - P30 Console

Precor UBK 835 Upright Cycle - P30 Console

Precor UBK 835 Upright Cycle - P30 Console

AJTEI25120020

AYZGI20120015

AYZGI20120018

AYZGI20120016

9

10

1

6

4

5

4

3

2

1

1

2

1

Z

Y

X

T

U

V

W

## Nautilus 2ST---Jade Green Pads 363-552

Serial Number	Name	QTY
2LPXXX980004	<a href="#">LEG PRESS</a>	1
2HEXXX980001	<a href="#">HIP EXT</a>	1
2HADXX980002	<a href="#">HIP ADD</a>	1
2HABXX980002	<a href="#">HIP ABD</a>	1
2RTXXX980003	<a href="#">ROTARY TORSO</a>	1
2ABXXX980007	<a href="#">ABDOMINAL</a>	1
2LCXXX980004	<a href="#">SEATED LEG CURL</a>	1
2LCPXX980003	<a href="#">PRONE LEG CURL</a>	1
2LEXXX980006	<a href="#">LEG EXT</a>	1
2POXXX980092	<a href="#">SUPER PULLOVER</a>	1
2PFXXX980109	<a href="#">PEC FLY</a>	1
2OPXXX980096	<a href="#">OVERHEAD PRESS</a>	1
2LRXXX980130	<a href="#">LAT RAISE</a>	1
2PCXXX980155	<a href="#">PREACHER CURL</a>	1
2TEXXX980005	<a href="#">TRICEP EXT</a>	1
2CRXXX980150	<a href="#">COMPOUND ROW</a>	1
FWLPXX980012	<a href="#">LAT PULL</a>	1
2BPXXX980002	<a href="#">BENCH PRESS</a>	1
2LBXXX980006	<a href="#">LOW BACK</a>	1
NOMEXX980004	<a href="#">MULTI PURPOSE</a>	1

### Free Weights

2LBXXX98006	HYPER EXTENSION	1
2BPXXX98002	Olympic Flat (paramount)	3
000604	Olympic Incline (NAUTILUS)	1
000603	Olympic Decline (Nautilus)	1
	Olympic Military Press (nautilus)	1
	Benches Adjustable (Hammer)	4
	BENCHES (NAUTILUS) (Flat)	4
	Benches Adjustable (Nautilus)	2
	HYPER EXT (NAUT)	1
	SMITH MACHINE (PARAMOUNT)	2
	SEATED CALF (PARAMOUNT)	1
	SQUAT RACK (NAUTILUS)	1
FWCXXX980008	NATILUS CABLE CROSSOVER	1
PFW 8500	CABLE CROSSOVER (PARAMOUNT)	1
S/N 5320S0460	LEG PRESS (CYBEX)	1
00398	HACK SQUAT (CYBEX)	1
	T-BAR ROW PARAMOUNT	1
	Coreboards (Reebok)	10
	Dumbbell Rack and old style dumbbells	

2.5lbs	8
5.0lbs	2
7lbs	4
10lbs	2
12lbs	2
15lbs	2
20lbs	2
22lbs	2
25lbs	6
27lbs	2
30lbs	2
32lbs	2
35lbs	2
37lbs	2
40lbs	4
42lbs	2
45lbs	2
47lbs	2
50lbs	2
65lbs	2
<b>Hampton Dumbbells</b>	
5lb	2
10lb	2
15lb	2
20lb	2
25lb	2
30lb	2
<b>Bars</b>	
EZ Curl Bars	7
Bench Press Bars	8
Shrug Squat Bar	1
Short bench press bar	3
Medium bench press bar	2
bent bar	1
lat pulldown bar	2
deadlift bar	2
handles	8
ankle belts	2
hand grips	2
<b>Paramount Bars</b>	
rope pull down	3
V tri-cep bar	3
multi-bar pull down	2
short pull down bar	1
long pull down bar	1
straight pull down bar	3
curl bar	3

# Spinning Bikes NXT

## Number

A	<a href="#"><u>SBEN 1204-LO 1041</u></a>
B	<a href="#"><u>SBEN 1204-LO 1067</u></a>
C	<a href="#"><u>SBEN 1204-LO 1043</u></a>
D	<a href="#"><u>SBEN 1204-LO 1036</u></a>
E	<a href="#"><u>SBEN 1204-LO 1037</u></a>
F	<a href="#"><u>SBEN 1204-LO 1044</u></a>
G	<a href="#"><u>SBEN 1204-LO 1071</u></a>
H	<a href="#"><u>SBEN 1106-LO 1276</u></a>
I	<a href="#"><u>SBEN 1204-LO 1072</u></a>
J	<a href="#"><u>SBEN 1204-LO 1042</u></a>
K	<a href="#"><u>SBEN 1204-LO 1065</u></a>
L	<a href="#"><u>SBEN 1204-LO 1068</u></a>
M	<a href="#"><u>SBEN 1204-LO 1038</u></a>
N	<a href="#"><u>SBEN 1204-LO 1074</u></a>
O	<a href="#"><u>SBEN 1204-LO 1039</u></a>
P	<a href="#"><u>SBEN 1204-LO 1073</u></a>

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 100

By: Mayor Perciak and All Members of Council

**A RESOLUTION AUTHORIZING THE MAYOR AND ASSISTANT LAW DIRECTOR TO ENTER INTO A MODIFICATION TO THE PRIOR JUDGMENT ENTRY TO BE FILED IN COMMON PLEAS COURT CONCERNING THE PLAZA AT SOUTHPARK, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council resolved the litigation entitled *Visconsi-Royalton Limited, et al. vs. City of Strongsville, Ohio*, in Cuyahoga County Common Pleas Court, Case No. CV-98-361394, through passage of Resolution No. 2005-128, authorizing the Mayor and Law Director to execute a Judgment Entry dated June 7, 2005, which was ordered into effect by the Court; and

WHEREAS, that prior Judgment Entry contemplated future changes to the site plan; and

WHEREAS; the Plaintiffs, Visconsi-Royalton Limited, the owners of the approximately 49 acres of land located near the I-71/Royalton Road interchange and Howe Road, which was the subject of the afore-mentioned litigation, have now proposed to modify the gasoline pumps on the property; and

WHEREAS, the parties have now agreed to amend the previous Judgment Entry of the Court by modifying Section 3 of the Judgment Entry in order to permit up to six (6) islands (16 pumps) to the gasoline fueling station on the developed property; and

WHEREAS, at this time, the parties have proposed to enter into a Modification to Judgment Entry of June 7, 2005, a copy of which is attached hereto as Exhibit "A" and to file the same with the Court for approval; and

WHEREAS, if approved by the Court, the owner will need to go through the City's administrative process and comply with all City ordinances in regard to the modifications to the gasoline pumps.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That for the aforesaid reasons, the Mayor and Assistant Law Director be and are hereby authorized and directed to execute the Final Agreed Modification to Judgment Entry of June 7, 2005, in the form attached hereto as Exhibit "A".

**Section 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open

**CITY OF STRONGSVILLE, OHIO**  
**RESOLUTION NO. 2016 – 100**  
**Page 2**

meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City; and for the further reason that the immediate execution of the aforesaid document is necessary to assure proper development of lots and lands within the City, to avoid legal entanglements, and conserve public funds. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_

Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

<sup>RES</sup>  
 ORD. No. 2016-100 Amended: \_\_\_\_\_

1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_

Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

VISCONSI-ROYALTON LIMITED, et al.	)	CASE NO. CV 98 361394
	)	
Plaintiffs	)	JUDGE PETER J. CORRIGAN
	)	
vs.	)	
	)	
CITY OF STRONGSVILLE, OHIO	)	<b><u>FINAL AGREED MODIFICATION</u></b>
	)	<b><u>TO JUDGMENT ENTRY OF</u></b>
Defendant	)	<b><u>JUNE 7, 2005</u></b>

This matter came on for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, upon a Final Agreed Modification to the Judgment Entry previously entered by this Court on June 7, 2005 and found in Volume 3343, Pages 0031 – 0047.

THE COURT FINDS the Plaintiffs and Defendant entered into a Judgment Entry on June 7, 2005, which was ordered into effect by this Court.

THE COURT FURTHER FINDS that pursuant to Section 11 of that Judgment Entry the provisions of the Judgment Entry may be amended by agreement of the City of Strongsville, through its Mayor and the Plaintiffs upon approval by this Court.

THE COURT FURTHER FINDS that the parties have agreed to amend the previous Judgment Entry of this Court by modifying Section 3 of that Judgment Entry.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT Section 3 of the Judgment Entry entered June 7, 2005 and found in Volume 3343, Pages 0031 – 0047, is herein modified to read as follows:

3. Anchor Store/Fuel Station. As part of the “anchor store,” Plaintiff is expressly permitted to construct a single gasoline fueling station. It shall be permitted to have up to six (6) islands (16 pumps), and it shall conform to site development, Fire Department, safety requirements, Planning Commission requirements, landscaping, designs, lighting, screening and related features as are consistent with the Strongsville Codified Ordinances (“SCO”). The site of the fueling station shall be on the eastern section of the development and shall not be adjacent to any residential structures.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT except as specifically set out herein, the provisions of the prior Judgment Entry dated June 7, 2005 and contained in Volume 3343, Pages 0031 – 0047, shall remain in full force and effect.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the cost of this matter is taxed to the Plaintiffs, Visconsi-Royalton Limited, et al.

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JUDGE PETER J. CORRIGAN

APPROVED BY:

---

Defendant, City of Strongsville  
Mayor Thomas P. Perciak

---

Anthony J. Coyne (0039605)  
Mansour Gavin LPA  
Attorney for Plaintiffs

---

Daniel J. Kolick (0002631)  
Attorney for Defendant



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2016 – 101**

**By: Mayor Perciak and All Members of Council**

**AN ORDINANCE AMENDING SECTION 618.12 (HUNTING OR TRAPPING PROHIBITED) OF CHAPTER 618 ANIMALS OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY TO AUTHORIZE A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION, IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, the white-tailed deer population in urban areas has grown to unmanageable numbers; and

WHEREAS, as a consequence thereof great financial loss has been suffered by public and private property owners, in the destruction of plants, flowers, trees and other edible landscaping; and

WHEREAS, deer/vehicle accidents increase annually and threaten the lives and property of all those who travel by vehicle on our streets and highways; and

WHEREAS, while hunting within the City of Strongsville is prohibited, the exploding regional deer population urgently requires deer management efforts; and

WHEREAS, this Council finds that the existing circumstances constitute an ongoing and serious nuisance which must be abated for the public health, safety and welfare; and

WHEREAS, the Mayor and Administration, working in conjunction with the Ohio Department of Natural Resources ("ODNR") and in coordination with other similarly situated municipalities, seek to establish a "nuisance abatement initiative" to allow for the liberal issuance of permits from both the ODNR and the municipal police department (deer damage control permits) with the consent of and upon the application of property owners seeking relief; and

WHEREAS, this Council in Resolution No. 2015-231, submitted to the Cuyahoga County Board of Elections for the consideration of the Electors of the City of Strongsville, an advisory election for the proposed amendment of Section 618.12 of the Codified Ordinances to permit limited hunting of white-tailed deer by crossbow or long bow by licensed individuals under terms and conditions established by the State of Ohio and the City, and under the supervision of the Chief of Police; and

WHEREAS, this advisory election took place on March 15, 2016 and the Electors of the City of Strongsville by a substantial margin voted in favor of amending Section 618.12 of the Codified Ordinances to permit limited hunting of white-tailed deer by crossbow or long bow by licensed individuals under terms and conditions established by the State of Ohio and the City, and under the supervision of the Chief of Police; and

WHEREAS, similar advisory elections on the same issue also took place on March 15, 2016 in the cities of Broadview Heights, North Royalton, Parma, Parma Heights and Seven Hills; with the Electors in each of these municipalities voting in favor to permit the limited hunting of white-tailed deer, as set forth above.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That Section 618.12 of Chapter 618 of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

**618.12 HUNTING OR TRAPPING PROHIBITED.**

(a) No person shall hunt or trap animals or fowl within the Municipality, except that law enforcement officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using a live box trap trapping on property which he owns or permanently occupies may trap wildlife or animals constituting a nuisance; **and except as provided in division (c) of this Section.**

(b) A person holding a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio shall:

- (1) Notify the Animal Control Officer or the Police Department of his name, the location and time of placement of each trap placed in the Municipality prior to setting any such trap;
- (2) Use a box trap or a trap approved by the Division of Wildlife of the State of Ohio; and

- (3) Release such animal outside the City limits within twenty-four hours of trapping or in accordance with State of Ohio, Division of Wildlife regulations.

(c) **The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:**

- (1) **The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant (engaged to assist property owners aggrieved by deer damage) only as a corollary to and following the issuance by the ODNR of either its own Deer Damage Control Permit or hunting license for the applicable white-tailed deer hunting season to allow only bow-hunting (long bow and crossbow) of white-tailed deer.**
- (2) **The Municipal Deer Control Permit shall be limited to areas of not less than five (5) contiguous acres by a qualified archer(s), on such forms and subject to such rules and regulations as the Chief of Police may prescribe.**
- (3) **Hunting shall be conducted from an elevated platform only.**
- (4) **Written permission from the property owner(s) must be obtained.**
- (5) **A qualified archer shall be defined as an individual having obtained an approval/certification from an approved archery proficiency test site, valid Ohio hunting license, if applicable, and all other applicable State requirements.**
- (6) **Compliance with all laws, rules and regulations of the City and State is required.**
- (7) **All applicants shall agree, in writing, to defend, indemnify and hold harmless the City for any negligent acts committed by the applicant.**
- (8) **Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents shall be determined solely by the Chief of Police.**
- (9) **The Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this**

**section, and all other rules and regulations necessary to insure public health and safety, all of which shall be published.**

- (10) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief of Police.**

**(e)(d) Whoever violates any provision of ~~this section~~ divisions (a) or (b) of this Section is guilty of a minor misdemeanor. Whoever violates division (c) shall be guilty of a misdemeanor of the first degree.** Punishment shall be as provided in Section 698.02.  
~~(Ord. 1992-175. Passed 11-2-92.)~~

**Section 2.** In order to defray the expenses incurred with the management of this program, a fee of \$150.00 per each qualified archer applicant is established and must accompany any application for the Municipal Deer Damage Control Permit.

**Section 3.** The City, in cooperation with ODNR and the Division of Wildlife, will explore and strive to adopt long-term, non-lethal options for deer population control, including but not limited to contraception, sterilization, relocation and/or such other methods as may provide the necessary relief in non-lethal methods and on a cost-effective basis.

**Section 4.** No other method for the control of the deer population is permitted other than such as is authorized herein; all other provisions of the Codified Ordinances of the City of Strongsville not specifically modified herein shall remain unaffected by these measures and fully enforceable.

**Section 5.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to mitigate the ongoing nuisance of deer herds which must be abated, and to establish the parameters for the issuance of deer damage control permits. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 101**  
**Page 5**

upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_  
 Mayor

Date Passed: \_\_\_\_\_ Date Approved: \_\_\_\_\_

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-101 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_