

# City of Strongsville

16099 Foltz Parkway  
Strongsville, Ohio 44149-5598  
Phone: 440-580-3110  
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)

September 1, 2016

### MEETING NOTICE

City Council has scheduled the following meetings for **Tuesday, September 6, 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 7:15 p.m.** All committees listed will meet immediately following the previous committee:

**7:15 P.M.**

**Finance Committee** will meet to discuss Ordinance Nos. 2016-152, 2016-153 and Resolution Nos. 2016-154, 2016-155 and 2016-156.

**Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2016-056, 2016-157, 2016-158, 2016-159, 2016-160, 2016-161 and Resolution No. 2016-162.

**Building and Utilities Committee** will meet to discuss Ordinance Nos. 2016-163 and 2016-164.

**Communication & Technology Committee** will meet to discuss Ordinance No. 2016-165.

**Public Safety & Health Committee** will meet to discuss Ordinance No. 2016-166.

**Public Service and Conservation Committee** will meet to discuss Ordinance No. 2016-167 and Resolution No. 2016-168.

**Recreation and Senior Services Committee** will meet to discuss Ordinance Nos. 2016-169, 2016-170, 2016-171 and 2016-172.

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

**Committee of the Whole** will meet to discuss Ordinance No. 2016-173 and Resolution No. 2016-174.

**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, MMC  
Clerk of Council

**STRONGSVILLE CITY COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 6, 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 – July 18, 2016*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
  - *Presentation by Marie Keister of Murphy Epsom, Inc. to provide an introduction and community update pertaining to the I71-S.R. 82 Interchange Improvement Project.*
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:
  - 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:

- Ordinance No. 2016-056 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST SERVICE)~~ CS (COMMERCIAL SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16. Third reading, amended and referred to Planning Commission 07-18-16. Favorable recommendation by Planning Commission 07-28-16.*
- Ordinance No. 2016-152 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$600,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING STREETS AS DESIGNATED IN PLANS APPROVED OR TO BE APPROVED BY COUNCIL BY, WHERE NECESSARY AS SET FORTH IN SUCH PLANS, RECONSTRUCTING PAVEMENT, CURBS, CATCH BASINS AND DRIVEWAY APRONS, ADJUSTING MANHOLE CASTINGS AND WATER VALVE BOXES, RESURFACING, AND OTHERWISE IMPROVING THE SAME (2015 STREET PROGRAM), AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-153 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY'S STORMWATER MANAGEMENT SYSTEM, INCLUDING BY IMPROVING AND CONSTRUCTING CULVERTS AND DETENTION AND RETENTION PONDS, AND ACQUIRING THE NECESSARY INTERESTS IN REAL PROPERTY IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-154 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.



- Resolution No. 2016-155 by Mr. Dooner. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-156 by Mr. Dooner. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID AND DELINQUENT SANITARY SEWER ASSESSMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-157 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING THE MASTER SIGN PROGRAM FOR SOUTHPARK MALL, AND DECLARING AN EMERGENCY. [Bar Louie]
- Ordinance No. 2016-158 by Mayor Perciak, Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-159 by Mayor Perciak and Mr. Daymut. AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF REVOCABLE LICENSES TO MEGHAN RUGGIERO AND JOSEPH RUGGIERO; NICHOLAS R. CATANZARITE AND LAUREN A. CATANZARITE; AND ANTHONY M. CATANZARITE AND ANDREA M. CATANZARITE, FOR THE USE OF A PUBLIC WAY FOR THE ERECTION OF STREET LIGHTS AND APPURTENANCES; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS IN FURTHERANCE THEREOF; AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-160 by Mr. Daymut. AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES THE LOT SPLIT PLAT FOR A SUBDIVISION FOR MICHAEL L. PERRY, TRUSTEE, FOR PERMANENT PARCEL NO. 394-32-013, LOCATED AT 19408 BOSTON ROAD, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-161 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE OF OHIO ISSUE 1 FUNDING FOR IMPROVEMENTS TO THE MUNICIPAL SANITARY SEWER SYSTEM IN CONNECTION WITH THE DRAKE ROAD, BOWMAN DRIVE AND FETZER DRIVE SANITARY SEWER PROJECT IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-162 by Mayor Perciak and Mr. Daymut. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR AN ADDITION TO THE ALTENHEIM SENIOR LIVING FACILITY ON SHURMER ROAD, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.



- Ordinance No. 2016-163 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1402.05 OF CHAPTER 1402, OF THE STRONGSVILLE DWELLING CODE, OF TITLE TWO, PART FOURTEEN; AND SECTION 1420.02 OF CHAPTER 1420, OF TITLE FOUR, PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING STORM WATER DRAINAGE AND PERMIT FEES, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-164 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING AND AUTHORIZING THE CITY'S PURCHASE OF ELECTRICITY SUPPLY FOR STREETLIGHTS LOCATED WITHIN THE CITY OF STRONGSVILLE, FROM CONSTELLATION NEWENERGY, INC. THROUGH THE SOURCING ALLIANCE, A COUNCIL OF GOVERNMENTS, WITHOUT PUBLIC BIDDING; AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRICITY SUPPLY AGREEMENT AND RELATED DOCUMENTS WITH CONSTELLATION NEWENERGY, INC. FOR THIS PURPOSE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-165 by Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2016-082 TO EXTEND THE TERM OF THE CONTRACT UNDER THE UNITED STATES GENERAL SERVICES ADMINISTRATION AUTHORIZING THE PURCHASE OF CELLULAR COMMUNICATIONS SERVICES AND EQUIPMENT FOR USE BY VARIOUS DEPARTMENTS OF THE CITY, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-166 by Mr. DeMio. AN ORDINANCE APPROVING THE ACCEPTANCE OF FINANCIAL ASSISTANCE UNDER THE DRUG ABUSE RESISTANCE EDUCATION ("DARE") LAW ENFORCEMENT GRANTS PROGRAM, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-167 by Mayor Perciak and Mr. Carbone. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE REMOVAL AND REPLACEMENT OF EXISTING ROOFING AND RELATED ITEMS AT WASTEWATER TREATMENT PLANTS "B" AND "C" AND THE WESTWOOD LIFT STATION BUILDING, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-168 by Mr. Carbone. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF HOT APPLIED CRACK SEALING FOR 2016 FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE.
- Ordinance No 2016-169 by Mayor Perciak and All Members of Council. AN ORDINANCE RATIFYING AND AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE CITY OF STRONGSVILLE'S RENOVATION OF THE LOCKER ROOMS AT THE EHRNFELT RECREATION CENTER IN ORDER TO COMPLETE A CAPITAL IMPROVEMENT COMMUNITY RECREATION PROJECT; AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-170 by Mayor Perciak and Mr. Short. AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2016-061 AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE AND INSTALLATION OF VARIOUS FITNESS EQUIPMENT FOR USE BY THE RECREATION DEPARTMENT OF THE CITY, IN ORDER TO PURCHASE ADDITIONAL EQUIPMENT TO REPLACE OBSOLETE FITNESS MACHINES, AND DECLARING AN EMERGENCY.

- Ordinance No. 2016-171 by Mayor Perciak and Mr. Short. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR REMOVAL AND REPLACEMENT OF THE EXISTING FLOORING IN THE WEIGHT ROOMS AT THE CITY OF STRONGSVILLE WALTER F. EHRSFELT RECREATION AND SENIOR CENTER, AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-172 by Mayor Perciak and All Members of Council. AN ORDINANCE RATIFYING, APPROVING AND AUTHORIZING THE MAYOR AND DIRECTOR OF RECREATION & SENIOR SERVICES TO SUBMIT A PROPOSAL TO RECEIVE FUNDING FROM THE CUYAHOGA COUNTY DEPARTMENT OF SENIOR & ADULT SERVICES THROUGH ITS COMMUNITY SOCIAL SERVICES PROGRAM, IN CONNECTION WITH VARIOUS CITY SENIOR PROGRAMS, FUNCTIONS, AND TRANSPORTATION FOR 2017 AND 2018; AUTHORIZING EXECUTION OF ANY REQUIRED AGREEMENT AND DOCUMENTS RELATED THERETO; AND DECLARING AN EMERGENCY.
- Ordinance No. 2016-173 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING AND ADOPTING MID-YEAR REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-174 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING AND IMPOSING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF APPROVALS, LICENSES AND/OR PERMITS FOR BUILDING CONSTRUCTION OR RECONSTRUCTION, LAND OR BUILDING USE, OR OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE APPROPRIATE CODES RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Permit: **STCK-C1-C2:** To: Walgreen Co. **DBA: Walgreens 19980 W. 130<sup>th</sup> Street, Strongsville, Ohio 44136** (Responses must be postmarked no later than 9/22/2016).
- Application for Permit: **NEW-D5B:** To: BL Restaurant Operations LLC; Westfield Mall. **DBA: Bar Louie, 10 SouthPark Center, Strongsville, Ohio 44136** (Responses must be postmarked no later than 9/25/2016).

12. MISCELLANEOUS BUSINESS:

13. ADJOURNMENT:



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 056

By: Mr. Daymut

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST-SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY, **AS AMENDED.**

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

**Section 1.** That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 9200 Pearl Road in the City of Strongsville, from R-RS (Restaurant-Recreational Services) classification to ~~MS (Motorist-Service)~~ **CS (Commercial Service)** classification (PPN 395-03-006) which property is more fully described in Exhibit A, and depicted in Exhibit B, all attached hereto and incorporated herein by reference.

**Section 2.** That the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the changes in zoning classifications as provided in this Ordinance.

**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 rezone such property in order to provide for the orderly development of lots and lands within the City, to afford the applicant an opportunity to submit plans and commence construction, to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of

CITY OF STRONGSVILLE, OHIO  
 ORDINANCE NO. 2016 - 056  
 Page 2

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.

First reading: March 7, 2016

Referred to Planning Commission

Second reading: April 4, 2016

March 8, 2016  
 Favorable recommendation by PC  
 Approved: 3-31-16

Third reading: \_\_\_\_\_

Public Hearing: May 16, 2016

\_\_\_\_\_  
 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. 2016-056 (subby) Amended: 07/18/16  
 (orig.) 1st Rdg. 03-07-16 Ref: PC/PZE  
 (orig.) 2nd Rdg. 04-04-16 Ref: PZE  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Tabled per email sent by applicant 5/3/16  
 (orig.) Pub Hrg. 05-16-16 Ref: PZE  
 Adopted: \_\_\_\_\_ Seated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 056

By: Mr. Daymut

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), 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 Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 9200 Pearl Road in the City of Strongsville, from R-RS (Restaurant-Recreational Services) classification to MS (Motorist Service) classification (PPN 395-03-006) which property is more fully described in Exhibit A, and depicted in Exhibit B, all attached hereto and incorporated herein by reference.

**Section 2.** That the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the changes in zoning classifications as provided in this Ordinance.

**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 rezone such property in order to provide for the orderly development of lots and lands within the City, to afford the applicant an opportunity to submit plans and commence construction, to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and known as being a part of Original Strongsville Township Lots 49 and 50, also known as being a portion of a parcel of land conveyed to North Pearl II, LLC as recorded in AFN 201302060015 of said County's records, and being further bounded and described as follows:

Commencing at 1 inch rebar in a monument box found at the centerline intersection of Pearl Rd. (S.R. 42, variable width) and Whitney Rd. (70 feet wide), thence along the centerline of said Whitney Rd., N 81° 43' 35" W for a distance of 454.65 feet to a point, said point being the **TRUE PLACE OF BEGINNING** for the parcel of land hereinafter described, thence clockwise along the following thirteen (13) courses and distances:

1. S 8° 16' 25" W for a distance of 215.00 feet to a Mag Nail set, passing over a Drill Hole set on the south right of way line of said Whitney Rd. at 30.00 feet;
2. S 81° 43' 35" E for a distance of 309.00 feet to a 5/8 inch rebar with cap "GPD" set on the new west right of way line of said Pearl Rd., said rebar set being at 50.00 feet by perpendicular measurement from the centerline of said Pearl Rd.;
3. Thence along said new right of way line, S 31° 17' 15" W for a distance of 120.84 feet to a 5/8 inch rebar with cap "GPD" set on the existing west right of way line of said Pearl Rd.;
4. Thence along said west right of way line, S 46° 10' 35" W for a distance of 31.13 feet to a 5/8 inch rebar with cap "GPD" set;
5. Thence continuing along said west right of way line, N 58° 42' 45" W for a distance of 22.00 feet to a 5/8 inch rebar with cap "GPD" set;
6. Thence continuing along said west right of way line, S 31° 17' 15" W for a distance of 96.88 feet to a point on the north right of way line of the Ohio Turnpike (variable width), said point witnessed by a 5/8 inch rebar found N 45° 47' 36" E at 1.17 feet;
7. Thence along said north right of way line along the arc of a curve to the left having the following properties:

Delta	=	8° 08' 13"
Radius	=	3029.79
Tangent	=	215.50
Chord	=	429.92

Chord Bearing = N 64° 51' 41" W for an arc distance of 430.28 feet to a point;
8. Thence continuing along said north right of way line and an east line of a parcel of land conveyed to Beetrice Wach as recorded in AFN 200503180254, N 23° 22' 19" E for a distance of 93.06 feet to a 5/8 inch rebar found, passing over a 5/8 inch rebar found at 6.58 feet;
9. S 81° 43' 35" E for a distance of 112.00 feet to a 5/8 inch rebar with cap "GPD" set;
10. N 8° 16' 25" E for a distance of 41.79 feet to a 5/8 inch rebar with cap "GPD" set on a south line of a parcel of land conveyed to James Polivchak and Ann Polivchak as recorded in AFN 200210020823;
11. Thence along the south line of said James Polivchak and Ann Polivchak, S 81° 43' 35" E for a distance of 45.33 feet to a 5/8 inch rebar found at the southeast corner of said James Polivchak and Ann Polivchak;
12. Thence along the east line of said James Polivchak and Ann Polivchak, N 8° 16' 25" E for a distance of 175.00 feet to a point on the centerline of said Whitney Rd., said point being the northeast corner of said James Polivchak and Ann Polivchak, passing over a 5/8 inch rebar found on the south right of way line of said Whitney Rd. at 145.00 feet;

**EXHIBIT A**



13. Thence along said centerline, S 81° 43' 35" E for a distance of 45.35 feet to the True Place of Beginning and containing 1.9643 acres (85,562 square feet) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed by Steven L. Mullaney, P.S. Number 7900, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in March of 2013.

Basis of Bearing is State Plane Grid North, NAD 83 (2007 NSRS), Ohio North Zone.

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**PETITION FOR ZONING CHANGE**

Ordinance Number: 2016-056

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class R-RS use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: Due to the configuration of the parcel, the best use of the property is MS.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The surrounding property on Pearl Rd. is General Business

Please list other supporting documents (if any) which accompany this petition:

- 1. None
- 2. -
- 3. -

THE PROPOSED USE OF THE PROPERTY IS: MS - Motor Services - Car Wash

Name, address and **telephone number** of applicant or applicant's agent:

Name: Dan Catanzarite

Address: 13000 Danice Parkway Strongsville, OH 44136

Telephone Number: 216-409-5827

D. Catanzarite on Behalf of North Pearl II LLC  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )



Subscribed and sworn to and subscribed in my presence this 17 day of FEBRUARY, 2016.

CHRISTOPHER M. BYRNES  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
AUGUST 10, 2016

Ch. Byrnes  
Notary Public

My commission expires: AUG 10, 2016

Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.



**PROPERTY DESCRIPTION FORM**

Ordinance Number: 2016-056

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: 9200 Pearl Rd.

Permanent Parcel No.: 395-03-006

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl (West) Whitney (South)

Number and type of buildings which now occupy property (if any): N/A

Acreage: 1.9

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): None

Said deed restrictions (will) (have) expire(d) on: N/A

Said property is presently under lease or otherwise encumbered as follows: N/A

Owner(s)	Percent of Ownership:
1. <u>North Pearl II, LLC</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

D. D. [Signature] on behalf of North Pearl II LLC  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed to in my presence this 17 day of February, 2016.

Chris Byrnes  
Notary Public



CHRISTOPHER M BYRNES  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES Aug 10, 2016  
AUGUST 10, 2016

\* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

---

**TO:** Ken Mikula, City Engineer

**FROM:** Tiffany Mekeel, Assistant Clerk of Council

**DATE:** February 19, 2016

**SUBJECT:** Rezoning Application  
North Pearl II, LLC; Owner  
PPN: 395-03-006  
Address: 9200 Pearl Road  
From R-RS to MS

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Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

TAM  
Attachments

cc: Thomas P. Perciak, Mayor  
Kenneth A. Kraus, Law Director  
Daniel J. Kolick, Assistant Law Director  
George Smerigan, City Planner  
All Members of Council  
Carol Opera, Planning Commission Secretary

# City of Strongsville

## *Memorandum*

**To:** Ken Kraus, Law Director

**CC:** Mayor Thomas Perciak  
Aimee Pientka, Clerk of Council  
Neal Jamison, Staff Attorney

**From:** Lori Daley, Assistant City Engineer

**Date:** February 24, 2016

**Re:** Rezoning Application  
North Pearl II, LLC, Owner  
PPN 395-03-006  
9200 Pearl Road  
From R-Rs to MS

---

Ken,

The legal description included in the Clerk of Council's February 19, 2016 memo regarding the above referenced parcel was incorrect. The attached revised legal description accurately describes the parcel to be rezoned and should be used for the legislation.

Please feel free to contact me with any questions.

Thank you.



**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

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**TO:** Planning Commission  
**FROM:** Aimee Pientka, Clerk of Council  
**DATE:** March 8, 2016  
**SUBJECT:** Referral from Council: Ordinance No. 2016-056

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At its regular meeting of March 7, 2016, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2016-056 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

A copy of the ordinance is attached for Planning Commission review.

AKP  
Attachment

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** March 11, 2016

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Please be advised that at its meeting of March 10, 2016, the Strongsville Planning Commission Tabled the following;

**ORDINANCE NO. 2016-056**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

This Ordinance will be place on the March 31<sup>st</sup> Planning Agenda for consideration.

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** April 1, 2016

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Please be advised that at its meeting of March 31, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2016-056**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

### **AT & T / Laura Tworzydlo, Agent**

- a) Certificate of Appropriateness for the Site Plan for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.
- b) Site Plan approval for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.



## Tiffany Mekeel

---

**From:** Nick Catanzarite <ncatanzarite@walterhav.com>  
**Sent:** Monday, July 18, 2016 5:21 PM  
**To:** Tiffany Mekeel  
**Subject:** FW: Pearl / Whitney - Rezoning

Nick Catanzarite  
Walter Haverfield LLP  
Direct: (216) 928-2981  
Cell: (216) 952-3178

---

**From:** Nick Catanzarite  
**Sent:** Monday, July 18, 2016 5:20 PM  
**To:** Neal Jamison (Neal.Jamison@strongsville.org)  
**Cc:** 'Daniel Kolick'; Brent Painter (Brent.Painter@strongsville.org); Aimee Pientka (Aimee.Pientka@strongsville.org); Mike Catan (mikec@darice.com); Dan Catan (Dan\_Catan@darice.com)  
**Subject:** Pearl / Whitney - Rezoning

Neal,

We would like to amend our zoning application to rezone the property to Commercial Services, rather than Motorist Services. Please remove the vote from the agenda tonight and advise next steps. Thank you.

**Nick Catanzarite**  
Attorney

---



Walter | Haverfield LLP  
The Tower at Erieview  
1301 East 9th Street, Ste 3500  
Cleveland, Ohio 44114-1821

Direct Line: (216) 928-2981  
Direct Fax : (216) 916-2358  
Office: (216) 781-1212  
Mobile: (216) 952-3178

Email: [ncatanzarite@walterhav.com](mailto:ncatanzarite@walterhav.com)

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**ATTENTION:** This e-mail message, including any attachment, is sent by the law firm of Walter | Haverfield LLP and may contain **PRIVILEGED** and **CONFIDENTIAL INFORMATION**. If you are not the intended recipient, then please (i) do not print, forward, or copy this e-mail, (ii) notify us of the error by a reply to this e-mail, and (iii) delete this e-mail from your computer. Thank you.

**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

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**TO:** Planning Commission

**FROM:** Tiffany Mekeel, Assistant Clerk of Council

**DATE:** July 19, 2016

**SUBJECT:** Referral from Council: Ordinance No. 2016-056 (Amended by Substitution)

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Please be advised that at its regular meeting of July 18, 2016, City Council moved to amend by substitution Ordinance No. 2016-056 and refer it back to Planning Commission for amendment.

- Ordinance No. 2016-056 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS ~~(MOTORIST SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY, **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16.*

A copy of the Ordinance is attached for Planning Commission review.

TAM  
Attachment



## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** July 29, 2016

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Please be advised that at its meeting of July 28, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**MITCHELL'S ICE CREAM/ Matt Plecnik, Agent**

a) Certificate of Appropriateness for a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational.

b) Site Plan approval of a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational **subject to the Engineering Report.** *\*BZA Variance Granted 6-22-16. \*ARB Favorable Recommendation 7-12-16.*

**MICHAEL L. PERRY/ MICHAEL PERRY, PRINCIPAL**

a) Deviation to permit a subdivision without sanitary sewers at 19408 Boston Road, PPN 394-32-013 zoned R1-75, pursuant to Codified Ordinance Section 1228.01(i).

b) Subdivision of PPN 394-32-013, property located at 19408 Boston Road zoned R1-75 **should be made subject to the location of the septic systems on the two homes and if necessary an easement for the discharge.**

**ALTENHEIM SENIOR LIVING SHORT TERM REHAB AND MEMORY CARE/ Rudy Jovanov, Agent**

a) Vacation of current Storm Sewer Easement and acceptance of the relocated Storm Sewer Easement by the City **subject receipt of the final easements by the Law Office on the vacation.**

b) Site Plan approval of a proposed 52,521 SF addition to the current Short Term Rehab and Memory Care buildings for property located at 18627 Shurmer Road, PPN 397-01-006 and 012 zoned Public Facility and Senior Residence 1 **subject to Fire and Engineering Reports.** *\*ARB Favorable Recommendation 7-12-16.*

Council Memo  
July 29, 2016  
Page Two

**ORDINANCE NO. 2016-056**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the zoning classification of certain real estate located at 9200 Pearl Road in the City of Strongsville from R-RS (Restaurant-Recreational Services) classification to ~~MS (Motorist Service)~~ CS (Commercial Service) Classification (PPN 395-03-006), and Declaring an Emergency, As Amended.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 152

BY: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$600,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING STREETS AS DESIGNATED IN PLANS APPROVED OR TO BE APPROVED BY COUNCIL BY, WHERE NECESSARY AS SET FORTH IN SUCH PLANS, RECONSTRUCTING PAVEMENT, CURBS, CURB RAMPS, CATCH BASINS AND DRIVEWAY APRONS, ADJUSTING MANHOLE CASTINGS AND WATER VALVE BOXES, RESURFACING, AND OTHERWISE IMPROVING THE SAME (2015 STREET PROGRAM), AND DECLARING AN EMERGENCY.

WHEREAS, the City has undertaken a street improvement program and has determined to finance that program through the issuance of general obligation debt as described below, with the expectation that the debt charges thereon would be paid annually from various sources available to the City, including, but not limited to, portions of the estate tax, motor vehicle registration fees and any lawfully available moneys in the TIF Funds (as defined in Ordinance 2009-215 passed November 2, 2009); and

WHEREAS, pursuant to Ordinance No. 2015-174, passed September 8, 2015, a \$800,000 note in anticipation of bonds, dated October 14, 2015 (the Outstanding Note), was issued for the aforesaid program and purpose as stated in Section 1 as part of a consolidated issue pursuant to Section 133.30(B) of the Revised Code in the aggregate principal amount of \$1,800,000 maturing on October 13, 2016; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Note with the proceeds of the notes described in Section 3 and other funds available to the City; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is at least fifteen years, and the maximum maturity of the notes described in Section 3, to be issued in anticipation of the bonds, is October 14, 2035;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$600,000 (the Bonds) for the purpose of improving streets as designated in plans approved or to be approved by Council by, where necessary as set forth in such plans, reconstructing pavement, curbs, curb ramps, catch basins and driveway aprons, adjusting manhole castings and water valve boxes, resurfacing, and otherwise improving the same (2015 Street Program).



Section 2. The Bonds shall be dated approximately October 1, 2017, shall bear interest at the now estimated rate of 6.0% per year, payable on June 1 and December 1 of each year, commencing December 1, 2017, until the principal amount is paid, and are estimated to mature in fifteen annual principal installments that are substantially equal. The first principal installment is estimated to be made on December 1, 2018.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$600,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds of the City, the Outstanding Note. The Notes shall bear interest at a rate or rates not to exceed 6.0% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not earlier than six months from the date of issuance nor later than one year from the date of issuance, as determined by the Director of Finance in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the principal corporate trust office of The Huntington National Bank, Columbus, Ohio, or at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser.

Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, including the execution of a Blanket Issuer Letter of Representations in the form utilized by The Depository Trust Company.

Section 6. The Notes shall be sold at not less than 97% of par at private sale by the Director of Finance in accordance with law and the provisions of this ordinance. The Director of Finance shall, in accordance with that officer’s determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council (including within the meaning of each such

office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office), and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code, provided that if the principal amount of that consolidated issue equals or exceeds \$1,000,000, no denomination of the consolidated issue shall be less than \$100,000.

The Director of Finance, if he determines it to be in the best interest of and financial advantages to the City, is hereby authorized to retain the financial advisory services of a person or entity in connection with the sale and issuance of the Notes. In rendering those financial advisory services, as an independent contractor and in a financial advisor-client relationship, that person or entity shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent moneys are available from the estate tax, motor vehicle registration fees and the TIF Funds and appropriated for the payment of the debt charges on the Notes or the Bonds, the amount of that tax shall be reduced by the amount of such moneys so available or appropriated. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the



Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes (the Refunded Obligations) were designated or treated as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Refunded Obligations from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the amount of the Notes equal to the face amount thereof as “qualified tax-exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. The amount of the Notes (such amount being based on the issue price of the Notes as determined under the Code), if any, in excess of the face amount thereof are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. If there is such excess, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the Notes, but excluding obligations that are private activity bonds as defined in Section 141 of the Code (other than private activity bonds that are “qualified 501(c)(3) bonds,” as defined in Section 145 of the Code) and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code to the extent that the amount of such refunding obligations does not exceed the outstanding amount of the obligations that they refund) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City

further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. In connection with the issuance of the Notes, the legal services of Squire Patton Boggs (US) LLP, as bond counsel, are retained pursuant to an engagement letter which has been delivered to the City by that firm. That engagement letter, and the execution thereof by the Mayor, the Director of Finance, the Director of Law, or any one of them, are hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance to the Cuyahoga County Fiscal Officer.

Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to

make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 15. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Note and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force 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	_____	_____
Short	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

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

ORD. No. 2016-152 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



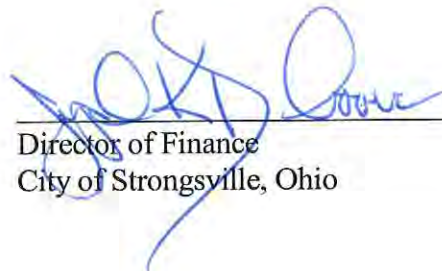
**FISCAL OFFICER'S CERTIFICATE  
(2015 Street Improvement)**

To the Council of the City of Strongsville, Ohio:

As fiscal officer of the City of Strongsville, Ohio, I certify in connection with your proposed issue of \$600,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of improving streets as designated in plans approved or to be approved by Council by, where necessary as set forth in such plans, reconstructing pavement, curbs, curb ramps, catch basins and driveway aprons, adjusting manhole castings and water valve boxes, resurfacing, and otherwise improving the same (2015 Street Program) (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least fifteen years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is October 14, 2035, which is twenty years from the date of the original note issued for the improvement.

Dated: September 6, 2016

  
\_\_\_\_\_  
Director of Finance  
City of Strongsville, Ohio



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 153

BY: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY'S STORMWATER MANAGEMENT SYSTEM, INCLUDING BY IMPROVING AND CONSTRUCTING CULVERTS AND DETENTION AND RETENTION PONDS, AND ACQUIRING THE NECESSARY INTERESTS IN REAL PROPERTY IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is forty years, and the maximum maturity of the notes described in Section 3, to be issued in anticipation of the bonds, is twenty years;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$1,300,000 (the Bonds) for the purpose of improving the City's stormwater management system, including by improving and constructing culverts and detention and retention ponds, and acquiring the necessary interests in real property in connection therewith.

Section 2. The Bonds shall be dated approximately October 1, 2017, shall bear interest at the now estimated rate of 6.0% per year, payable on June 1 and December 1 of each year, commencing December 1, 2017, until the principal amount is paid, and are estimated to mature in twenty annual principal installments that are substantially equal. The first principal installment is estimated to be made on December 1, 2018.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,300,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 6.0% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not earlier than six months from the date of issuance nor later than one year from the date of issuance, as determined by the Director of Finance in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the principal corporate trust office of The Huntington National Bank, Columbus, Ohio, or at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after

determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser.

Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance, provided that no such denomination shall be less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, including the execution of a Blanket Issuer Letter of Representations in the form utilized by The Depository Trust Company.

Section 6. The Notes shall be sold at not less than 97% of par at private sale by the Director of Finance in accordance with law and the provisions of this ordinance. The Director of Finance shall, in accordance with that officer's determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council (including within the meaning of each such office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office), and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code, provided that no denomination of that combined issue shall be less than \$100,000.

The Director of Finance, if he determines it to be in the best interest of and financial advantages to the City, is hereby authorized to retain the financial advisory services of a person or entity in connection with the sale and issuance of the Notes. In rendering those financial advisory services, as an independent contractor and in a financial advisor-client relationship, that person or entity shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.



Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as

“qualified tax-exempt obligations.” Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. In connection with the issuance of the Notes, the legal services of Squire Patton Boggs (US) LLP, as bond counsel, are retained pursuant to an engagement letter which has been delivered to the City by that firm. That engagement letter, and the execution thereof by the Mayor, the Director of Finance, the Director of Law, or any one of them, are hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance to the Cuyahoga County Fiscal Officer.

Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing

power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 15. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely enter into contracts for that improvement, which is necessary to prevent flooding in the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least five members of the Council, otherwise it shall take effect and be in force 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	_____	_____
Short	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

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

ORD. No. 2016-153 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



**FISCAL OFFICER'S CERTIFICATE  
(Stormwater Project)**

To the Council of the City of Strongsville, Ohio:

As fiscal officer of the City of Strongsville, Ohio, I certify in connection with your proposed issue of \$1,300,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of improving the City's stormwater management system, including by improving and constructing culverts and detention and retention ponds, and acquiring the necessary interests in real property in connection therewith (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
  
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is forty years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
  
3. The maximum maturity of the Notes is twenty years from the date of the original note issued for the improvement.

Dated: September 6, 2016

  
\_\_\_\_\_  
Director of Finance  
City of Strongsville, Ohio

CITY OF STRONGSVILLE, OHIO  
RESOLUTION NO. 2016-154

By Mayor Perciak and All Members of Council

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)  
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Strongsville, Cuyahoga  
County, Ohio, met in regular session on the 6th day of September  
(Regular Or Special)  
2016, at the office of Maika Kalinich Sr. City Council Chamber with the following members  
present:

Matthew A. Schonhut, Joseph C. DeMio  
Duke Southworth, Michael J. Daymut, James E. Carbone  
Kenneth M. Dooner and Gordon Short

Mr. Dooner moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously  
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,  
2017; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has  
certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate  
of each tax necessary to be levied by this Council, and what part thereof is without, and what part  
within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Strongsville,  
Cuyahoga County, Ohio, that the amounts and rates, as determined  
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate  
of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET**  
**COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES**

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			0.00	1.50
General Bond Retirement Fund			2.30	
Police Pension Fund			0.30	
Fire Pension Fund			0.30	
Fire Fund				3.50
Sewer Fund				0.40
Southwest Gen. H.C.				1.00
<b>TOTAL</b>	\$0	\$0	2.90	6.40

**RES**  
**ORD. No. 2016-154 Amended: \_\_\_\_\_**  
**1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_**  
**2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_**  
**3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_**  
 \_\_\_\_\_  
 \_\_\_\_\_  
**Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_**  
**Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_**



**SCHEDULE B**

**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
<b>GENERAL FUND:</b>		
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
<b>Total General Fund outside 10m. Limitation.</b>		
Park Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Recreation Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.		
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	

and be it further  
 RESOLVED, That the Clerk of this Council be and she is hereby directed to certify a copy of this  
 Resolution to the Fiscal Officer of said County.

Mr. DeMio seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

- Mr. Carbone-; Mr. Schonhut- Mr. DeMio-;
- Mr. Southworth-; Mr. Daymut-;
- Mr. Dooner-; Mr. Short-.

Adopted the 6th day of September , 2016

Attest:

\_\_\_\_\_  
 Thomas P. Perciak, Mayor

\_\_\_\_\_  
 Duke Southworth, President of Council

\_\_\_\_\_  
 Clerk of Council

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

---

The State of Ohio, Cuyahoga County, ss.

I, \_\_\_\_\_ Aimee Pientka, Clerk of the Council of the City  
of \_\_\_ Strongsville within and for said County, and in whose custody of the Files  
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby  
certify that the foregoing is taken and copied from the original \_Resolution No. 2016-154

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now on file, that the foregoing has been compared by me with said original document,  
and that the same is a true and correct copy thereof.

WITNESS my signature, this \_7th \_\_\_\_\_ day of September \_\_, 2016 \_\_\_\_\_

\_\_\_\_\_  
Clerk of Council

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No. \_\_\_ 2016-154 \_\_\_\_\_

Strongsville  
COUNCIL OF THE CITY OF

\_\_\_\_\_  
Strongsville  
Cuyahoga County, Ohio

\_\_\_\_\_  
RESOLUTION No. 2016-154  
ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

\_\_\_\_\_  
Adopted \_September 5, 2016 \_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Filed \_\_\_\_\_, 2016 \_\_\_\_\_

\_\_\_\_\_  
County Fiscal Officer

By \_\_\_\_\_  
Deputy

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 - 155

By: Mr. Dooner

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

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

Section 1. That the Director of Finance of the City be and is hereby authorized and directed to certify to the Fiscal Officer of Cuyahoga County various property maintenance nuisance abatements and penalties which are due and unpaid for the premises and in the sums set forth in Exhibit "A", plus interest at the rate of ten percent (10%) per annum, attached hereto and incorporated herein by reference, for extension of the tax duplicate and collection by the County Treasurer in the same manner as other taxes.

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 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 3. 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 the immediate certification is necessary in order to comply with County deadlines and to preserve 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

*RES*  
ORD. No. 2016-155 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



TO THE FISCAL OFFICER OF CUYAHOGA COUNTY:

THE FOLLOWING LIST OF SPECIAL ASSESSMENT CHARGES HAVE BEEN CONFIRMED BY THE COUNCIL OF

City of Strongsville FOR High Grass & Weeds

MUNICIPALITY

TYPE OF ASSESSMENT

AND IS HEREBY CERTIFIED FOR COLLECTION FOR COLLECTION(S) IN 1 ANNUAL INSTALLMENT(S) TO BE

COLLECTED FOR THE TAX YEAR(S) 2016

ORD / RES NO: \_\_\_\_\_

SIGNATURE OF FINANCE DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

FOR FISCAL OFFICE USE ONLY:

DATE ENTERED \_\_\_\_\_ DATE SENT TO IT \_\_\_\_\_ DATE RETURNED FROM IT \_\_\_\_\_ DATE IMPORTED TO MVP \_\_\_\_\_ DATE VALIDATED \_\_\_\_\_

PPN	NAME	ADDRESS	TOTAL	PENALTY @ 10%	Total
391-15-112	Neva Vannoy	21658 Littlebrook Way	\$ 1,051.48	\$ 105.16	\$ 1,156.64
<b>Total Book 391 1 detail records</b>			<b>\$ 1,051.48</b>	<b>\$ 105.16</b>	<b>\$ 1,156.64</b>
392-02-027	Jose & Margarita Diaz	12418 Steeplechase	\$ 150.00	\$ 15.00	\$ 165.00
392-10-032	David Szabo	11243 Brady Lane	\$ 150.00	\$ 15.00	\$ 165.00
392-30-024	Susan J Avery	19194 Westwood Drive	\$ 150.00	\$ 15.00	\$ 165.00
<b>Total Book 392 3 detail records</b>			<b>\$ 450.00</b>	<b>\$ 45.00</b>	<b>\$ 495.00</b>
393-16-051	Joanne Jelinek	20198 Abigail Lane	\$ 276.56	\$ 27.64	\$ 304.20
393-36-027	Gloria Papini	19988 Drake Road	\$ 177.69	\$ 17.77	\$ 195.46
<b>Total Book 393 2 detail records</b>			<b>\$ 454.25</b>	<b>\$ 45.41</b>	<b>\$ 499.66</b>
394-29-051	Heather George	19940 Kylemore Drive	\$ 150.00	\$ 15.00	\$ 165.00
394-23-006	William & Hilma Floyd	20111 Drake Road	\$ 150.00	\$ 15.00	\$ 165.00
<b>Total Book 394 2 detail records</b>			<b>\$ 300.00</b>	<b>\$ 30.00</b>	<b>\$ 330.00</b>
395-07-022	Klaraos NR 4	8940 Big Creek Pkwy	\$ 150.00	\$ 15.00	\$ 165.00
395-10-003	Pearl at Whitney LLC	8871 Pearl Road	\$ 1,360.00	\$ 136.00	\$ 1,496.00
395-10-019	Dacoh Holdings	8913 Pearl Road	\$ 473.36	\$ 47.34	\$ 520.70
395-27-006	Basma Hamid	00000 Albion Road	\$ 300.00	\$ 30.00	\$ 330.00
395-28-075	Diane Kurz	15377 Highland Park	\$ 1,050.00	\$ 105.00	\$ 1,155.00
<b>Total Book 395 5 detail records</b>			<b>\$ 3,333.36</b>	<b>\$ 333.34</b>	<b>\$ 3,666.70</b>
396-17-059	Karla Lehoty	14132 Delaware Drive	\$ 150.00	\$ 15.00	\$ 165.00
396-24-012	In Manus Dei LLC	16533 Royalton Road	\$ 322.34	\$ 17.26	\$ 339.60
<b>Total Book 396 2 detail records</b>			<b>\$ 472.34</b>	<b>\$ 32.26</b>	<b>\$ 504.60</b>

PPN	NAME	ADDRESS	TOTAL	PENALTY @ 10%	Total
397-01-027	Arlene & David Kushing	18392 Shurmer Road	\$ 150.00	\$ 15.00	\$ 165.00
397-04-034	Wendy-Wortz Thomas	17024 Hunting Meadows	\$ 300.00	\$ 30.00	\$ 330.00
397-13-032	Lynn Ferante	16698 Grouse Run Place	\$ 150.00	\$ 15.00	\$ 165.00
397-19-007	Thomas Assad	17814 Saratoga Trail	\$ 150.00	\$ 15.00	\$ 165.00
397-22-049	David & Julie Dansak	17439 Lexington Lane	\$ 2,500.00	\$ 250.00	\$ 2,750.00
397-28-055	Milton and Sandra Randall	19390 Ridgeline Court	\$ 450.00	\$ 45.00	\$ 495.00
<b>Total Book 397 6 detail records</b>			<b>\$ 3,700.00</b>	<b>\$ 370.00</b>	<b>\$ 4,070.00</b>
398-05-027	Craig Foust	13512 Wolf Drive	\$ 150.00	\$ 15.00	\$ 165.00
398-09-036	Maarouf Maher Houssam	10102 Lake Meadows Drive	\$ 300.00	\$ 30.00	\$ 330.00
398-10-079	Bank of New York Mellon	14122 Fernwood Circle	\$ 400.00	\$ 40.00	\$ 440.00
<b>Total Book 398 3 detail records</b>			<b>\$ 850.00</b>	<b>\$ 85.00</b>	<b>\$ 935.00</b>
399-22-032	Primestar Fund	17827 Hunt Road	\$ 150.00	\$ 15.00	\$ 165.00
399-29-009	John I Jolly	18677 Hunt Road	\$ 156.59	\$ 15.67	\$ 172.26
399-29-015	Michael Kiraly	18893 Bennington Drive	\$ 300.00	\$ 30.00	\$ 330.00
399-29-069	David and Teresa Czerniak	14132 Harbour View Oval	\$ 150.00	\$ 15.00	\$ 165.00
<b>Total Book 399 4 detail records</b>			<b>\$ 756.59</b>	<b>\$ 75.67</b>	<b>\$ 832.26</b>
<b>TOTAL ALL BOOKS</b>			<b>\$ 11,368.02</b>	<b>\$ 1,121.84</b>	<b>\$ 12,489.86</b>

TOTAL PARCELS

28



CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 156

By: Mr. Dooner

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID AND DELINQUENT SANITARY SEWER ASSESSMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

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

Section 1. That the Director of Finance of the City be and is hereby authorized and directed to certify to the Fiscal Officer of Cuyahoga County delinquent sanitary sewer assessments and penalties which are due and unpaid for certain properties and in the sums set forth in Exhibit "A", plus interest at the rate of ten percent (10%) per annum, attached hereto and incorporated herein by reference, for extension of the tax duplicate and collection by the County Treasurer in the same manner as other taxes.

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 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 3. 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 the immediate certification is necessary in order to comply with County deadlines and to preserve 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

RES  
ORD. No. 2016-156 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

TO THE FISCAL OFFICER OF CUYAHOGA COUNTY:

THE FOLLOWING LIST OF SPECIAL ASSESSMENT CHARGES HAVE BEEN CONFIRMED BY THE COUNCIL OF

City of Strongsville FOR Delinquent Sanitary Sewer

MUNICIPALITY

TYPE OF ASSESSMENT

AND IS HEREBY CERTIFIED FOR COLLECTION FOR COLLECTION(S) IN 1 ANNUAL INSTALLMENT(S) TO BE

COLLECTED FOR THE TAX YEAR(S) 2016

ORD / RES NO: \_\_\_\_\_

SIGNATURE OF FINANCE DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

FOR FISCAL OFFICE USE ONLY:

DATE ENTERED \_\_\_\_\_ DATE SENT TO IT \_\_\_\_\_ DATE RETURNED FROM IT \_\_\_\_\_ DATE IMPORTED TO MVP \_\_\_\_\_ DATE VALIDATED \_\_\_\_\_

EX. A

PPN	NAME	ADDRESS	TOTAL	PENALTY @ 10%	Total
395-16-001	Jacob Friedrich TRS.	17977 Whitney Road	\$ 217,860.38	\$ 21,786.04	\$ 239,646.42
		<i>Total Book 395 1 detail records</i>	<i>\$ 217,860.38</i>	<i>\$ 21,786.04</i>	<i>\$ 239,646.42</i>
		<i>TOTAL ALL BOOKS</i>	<i>\$ 217,860.38</i>	<i>\$ 21,786.04</i>	<i>\$ 239,646.42</i>



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 157

By: Mayor Perciak and Mr. Daymut

**AN ORDINANCE AMENDING THE MASTER SIGN PROGRAM FOR SOUTHPARK MALL, AND DECLARING AN EMERGENCY. [Bar Louie]**

WHEREAS, Council, through Ordinance No. 1996-107, approved the Master Sign Program for SouthPark Center Shopping Center District and adopted the Master Sign Program Design Intent as the standards for signage therein; and

WHEREAS, an application has been submitted to the Planning Commission for approval of three (3) signs at locations M40, M41 and M58, for the Bar Louie restaurant on property located at 500 SouthPark Center (part of PPN 396-20-001) for inclusion in the Master Sign Program for SouthPark Mall; and

WHEREAS, at its August 18, 2016 meeting, the Planning Commission approved the inclusion of the proposed signage.

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

**Section 1.** That the Master Sign Program for SouthPark Mall be and is hereby amended to add three (3) signs at locations M40, M41 and M58, for the Bar Louie restaurant on property located at 500 SouthPark Center (part of PPN 396-20-001), as approved by the City Planning Commission; and the same be and is hereby made a part of the Master Sign Program for SouthPark Mall.

**Section 2.** 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 3.** 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 in order to establish appropriate regulations for the signage of lands in the City to promote the effective control of traffic, the orderly function of public services, and the aesthetic quality and character of signage on the SouthPark Mall site. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council,

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2016 - 157  
Page 2

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. 2016-157 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

RECEIVED

AUG 19 2016

CITY OF STRONGSVILLE  
CITY COUNCIL

**MEMORANDUM**

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** August 19, 2016

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Please be advised that at its meeting of August 18, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**SOUTHPARK MALL/ Steven Greenberger, Agent**

Revision to the Master Sign Program to add three (3) signs indicated at locations M40, M41 and M58 on the Master Sign Program signage grid for Bar Louie property located at 10 South Park Center, PPN 396-22-001 zoned Shopping Center. *\*ARB Favorable Recommendation of tenant signage 8-16-16.*



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2016 – 158**

**By: Mayor Perciak, Mr. Carbone and Mr. Schonhut**

**AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES, AND DECLARING AN EMERGENCY.**

WHEREAS, the City has a legitimate, substantial and compelling interest in protecting City residents and visitors from criminal activity and health risks; and

WHEREAS, the City has a legitimate, substantial and compelling interest in fostering positive perceptions of the City and pride in our neighborhoods; and

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging development patterns that minimize the secondary effects of land uses, such as pawn shops, paraphernalia stores, vape shops, vaporizer stores, tattoo parlors, hookah lounges and vapor lounges; and

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging economic investment in our communities and neighborhoods; and

WHEREAS, this Council believes that operating pawn shops, paraphernalia stores, vape shops, vaporizer stores, tattoo parlors, hookah lounges and vapor lounges may have inappropriate impacts on children, surrounding neighborhoods and adjacent retail space; and

WHEREAS, the location of these business uses near places frequented by children, such as schools, creates unnecessary exposure; and

WHEREAS, the density of such business uses can increase their potential negative impacts on property values and the viability of adjacent retail space; and

WHEREAS, this Council desires to regulate these business uses located in the City so as to protect children and neighborhoods, maintain property values and generally preserve and protect the quality of the residential and business neighborhoods in the City of Strongsville; and

WHEREAS, this Council does hereby determine that it is in the best interests of the health, safety and welfare of the citizens of the City of Strongsville to enact this Ordinance.

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

**Section 1.** That Section 1242.07(b) of Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Conditional Use Permits, be and is hereby amended to read as follows:

**1242.07 CONDITIONAL USE PERMITS.**

\* \* \*

(b) Standards for Evaluating Conditional Use Permits. An application for a conditional use permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

\* \* \*

**(10) Pawn Shops, Paraphernalia Stores, Vape Shops, Vaporizer Stores, Tattoo Parlors, Hookah Lounges, Smoke Lounges, and Vapor Lounges.** In addition to complying with all other requirements of this Zoning Code, these uses shall comply with the following requirements and standards:

- A. No such use shall be established or operated within 500 feet of a school.
- B. No such use shall be established or operated within 500 feet of an existing use of the same specific type.
- C. No such use shall be operated or open for business between the hours of 12:00 midnight and 8:00 a.m.

~~(1011)~~ Safeguards and conditions. In addition to complying with the above general standards set forth in this section, conditions appropriate to each particular application may also be set forth in the permit.

~~(1112)~~ Approval. The approval of a conditional use permit shall become null and void if the construction of the building or site improvements are not started within a six-month period after date of approval.

~~(Ord. 2011-055. Passed 6-20-11.)~~

\* \* \*

**Section 2.** That Section 1258.02 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Local Business District, be and is hereby amended to read in its entirety as follows:

**1258.02 USE REGULATIONS; LOCAL BUSINESS DISTRICT.**

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in Local Business Districts, only for the uses set forth in the following schedules and regulations:

- (a) Main Buildings and Uses Permitted.



- (1) Office buildings and offices, including professional, financial, governmental, public utility, sales, executive and administrative;
- (2) Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent:
  - A. Retail sales.
    1. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products and packaged beverages;
    2. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided that no loudspeakers broadcast onto the street) and sporting and athletic goods, **and specifically excluding the sale of items set forth in Sections 1258.06(a)(4) and 1258.06(a)(5);**
    3. The sale of wearing apparel, shoes and hats; variety stores;
    4. The sale of hardware, tools, paint, garden supplies and household appliances; and
    5. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
    6. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
  - B. Services.
    1. Personal services, such as beauty and barber shops; interior decorating, **but excluding services listed in Section 1258.06(a)(6);**
    2. Laundry agencies and laundromat; tailor, pressing and dry cleaning shops in which only nonexplosive nonflammable solvents are used provided that no work shall be done on the premises for retail outlets elsewhere; and



3. Repair services, such as shoe and hat, radio and television, household appliances.
- (3) Retail sales in open yards to the following limited extent: Garden equipment and supplies, garden furniture, nursery stock and monuments may be sold on an open lot provided the operation is in connection with an established related business conducted within a store building or retail greenhouse, not more than 150 feet therefrom, and provided the sales in open yards comply with the setbacks established in Section 1258.11 of this Zoning Code.
- (4) Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.
- (b) Similar Main Uses Permitted. Any other neighborhood retail store, shop or service not listed above or in any subsequent use classification, and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08 of this Zoning Code. Main uses enumerated in a General Business District, except assembly halls, mortuaries, and bus passenger stations, may be permitted in a Local Business District, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.
- (c) Accessory Uses Permitted. Any accessory use, such as storage of goods or processing operations which are clearly incidental to conducting a retail business, office or service establishment, which is permitted as a main use, provided that such a use has no injurious effect on adjoining Residential Districts.
  - (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code; and
  - (2) Signs in Local Business Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.

~~(Ord. 2009-155. Passed 11-16-09.)~~

**Section 3.** That Section 1258.03 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; General Business District, be and is hereby amended to read in its entirety as follows:

**1258.03 USE REGULATIONS; GENERAL BUSINESS DISTRICT.**

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in General Business Districts, only for uses set forth in the following schedules and regulations:



- (a) Main Building and Uses Permitted.
- (1) Offices, stores, services and other use classifications as permitted in Local Business Districts;
  - (2) Mortuaries (Funeral Homes);
  - (3) Additional retail business stores and services conducted wholly within enclosed buildings and devoted to supplying the retail business needs of the community to the following extent:
    - A. Retail sales.
      1. The sale of all food; frozen food lockers;
      2. The sale of all general merchandise; dry goods, variety and department stores, **but excluding the sale of items listed in Section 1258.06(a)(4) and 1258.06(a)(5);**
      3. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radio and television, provided no loudspeakers broadcast outside the parcel;
      4. The sale of bicycles, sport and athletic equipment, pet shops;
      5. Wholesale offices and showrooms, with storage limited to samples;
      6. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
      7. Restaurants, taverns, night clubs, delicatessens, eating establishments, businesses permitting dancing and live entertainment, whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings but not as a separate building or use provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
      8. Individual retail business stores of 100,000 square feet and larger may be permitted a limited area to display merchandise outside the store building in an approved



designated, self-contained, screened area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.

9. The sale and/or exchange of propane canisters not exceeding twenty (20) pounds at freestanding "big box" stores exceeding 50,000 square feet gross floor area; and freestanding "super" drug stores exceeding 14,000 square feet gross floor area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.

~~(Ord. 2014-132. Passed 9-2-14.)~~

10. Brewpubs and microbreweries which include attached restaurant facilities for the on-site consumption of food and beverages provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.

(Ord. 2015-114. Passed 7-20-15.)

B. Services.

1. Shops for custom work for the making of articles to be sold only at retail on the premises, excluding internal combustion engines;
2. All personal service establishments without limitations on the number of persons engaged in such work, **but excluding services listed in Section 1258.06(a)(6)**;
3. Photographic developing, blueprinting, letter, job and newspaper printing, radio or television stations with ancillary transmittal towers, telephone exchanges, transformer stations;
4. Bus passenger stations, taxi stations; and
5. Veterinary office/out-patient clinic provided such use is a single use in a free-standing building with no dog runs and no overnight housing of animals.

C. Churches. Buildings and land for churches provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code. To be located in a General Business District, a church shall be governed by and meet all requirements, standards and procedures of Chapter 1256 and other Codified Ordinance sections referenced therein.

D. Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

E. Exercise Facilities. Dance instruction, gymnastics, yoga, martial arts training, gymnasiums, and physical fitness centers, none of which shall exceed 5,000 square feet, provided that a conditional



use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

- F. Automotive Service Centers. Automotive Service Centers in accordance with the provisions of Section 1258.14 and provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
- (b) Similar Main Uses Permitted. Any other general business store, shop or service not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08.
- (c) Accessory Uses Permitted. Any accessory use such as storage of goods or processing operations which are clearly incident to conducting a retail business, office or service establishment or other permitted main use, provided that such accessory use serves solely as an accessory use to permitted main uses on the same zoning lot, and provided such an accessory use has no injurious effect on the adjoining residential districts. The following accessory uses are also permitted:
- (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code; and
  - (2) Signs in General Business Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.
  - (3) Crematories only as an integral component of a licensed mortuary (funeral home) provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07.

~~(Ord. 2014-132. Passed 9-2-14.)~~

**Section 4.** That Section 1258.06 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Restaurant-Recreational Services District, be and is hereby amended to read in its entirety as follows:

**1258.06 USE REGULATIONS; RESTAURANT-RECREATIONAL SERVICES DISTRICT.**

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in whole or in part in Restaurant-Recreational Services Districts only for the uses set forth in the following schedules and regulations:

- (a) Main Buildings and Uses Permitted.
- (1) The sale, serving and consumption of food, soft drinks, juices and ice cream in such places as drive-in, carry-out and sit-down restaurants. Places where food or beverages are not consumed within a building may be permitted only if a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional



- use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
- (2) The sale, serving and consumption of alcoholic beverages, including dancing and live entertainment, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code;
  - (3) Commercial, amusement and recreational services, such as assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, ice and roller skating rinks and other social, fraternal, sport and recreational establishments, provided they are conducted within an enclosed building and sufficiently sound-insulated to confine the noise to the premises. A game room or amusement arcade may be permitted only if a conditional use permit is granted in accordance with the general and specific standards set forth in Section 1242.07 of this Zoning Code.
  - (4) **Pawn shops, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
  - (5) **The sale of paraphernalia typically associated with controlled substances, vape shops, vaporizer stores, and similar operations, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
  - (6) **Tattoo parlors, hookah lounges, smoke lounges, vapor lounges, or other similar services, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**
- (b) Similar Main Uses Permitted. Any other restaurant or commercial recreational service facility not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08 of this Zoning Code;
- (c) Accessory Uses Permitted. Any accessory use, such as storage of goods which are clearly incidental to conducting a restaurant or commercial recreational use, shall be permitted, provided such accessory use is compatible with the permitted main use.
- (1) Mechanical amusement devices as defined in Section 1240.08(c)(19), provided, however, that a conditional use permit must be obtained pursuant to this section for the use of more than one device in the business premises;
  - (2) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Code; and
  - (3) Signs in Restaurant-Recreational Services Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type,

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 158**  
**Page 9**

design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.

~~(Ord. 2009-155. Passed 11-16-09.)~~

**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 necessary to provide for the appropriate regulation of such establishments as conditional permitted uses in certain districts, and to ensure the safety of the general public. 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.

First reading: \_\_\_\_\_

Referred to Planning Commission

Second reading: \_\_\_\_\_

\_\_\_\_\_

Third reading: \_\_\_\_\_

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

Public Hearing: \_\_\_\_\_

\_\_\_\_\_  
 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. 2016-158 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 159

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF REVOCABLE LICENSES TO MEGHAN RUGGIERO AND JOSEPH RUGGIERO; NICHOLAS R. CATANZARITE AND LAUREN A. CATANZARITE; AND ANTHONY M. CATANZARITE AND ANDREA M. CATANZARITE, FOR THE USE OF A PUBLIC WAY FOR THE ERECTION OF STREET LIGHTS AND APPURTENANCES; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS IN FURTHERANCE THEREOF; 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 hereby approves and authorizes the granting of revocable licenses to Meghan Ruggiero and Joseph Ruggiero; Nicholas R. Catanzarite and Lauren A. Catanzarite; and Anthony M. Catanzarite and Andrea M. Catanzarite, for the use of portions of the public right-of-way described in the Exhibit "A" of Exhibits 1, 2 and 3, attached hereto, for the purposes of the erection and maintenance of street lights and appurtenances, and upon the terms and conditions set forth in the License Agreements attached hereto as Exhibits 1, 2 and 3, and incorporated herein by reference, which in all respects are approved.

**Section 2.** That the Mayor be and is hereby authorized to enter into and execute the License Agreements, and to do all things necessary to carry out the provisions thereof.

**Section 3.** That the Clerk of Council is hereby directed to cause the aforesaid License Agreements to be recorded in the office of the Cuyahoga County Fiscal Office after their execution and upon receipt of evidence of titles satisfactory to the Law Director.

**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 immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the immediate granting of the aforesaid license agreements is necessary to secure the illumination of the premises and protect the safety of pedestrian and vehicular traffic on the public right-of-way and prevent a potential public nuisance. 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. 2016-159 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

## **LICENSE AGREEMENT**

Agreement made this \_\_\_ day of \_\_\_\_\_, 2016, between the **CITY OF STRONGSVILLE**, an Ohio municipal corporation, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, herein called "City," and **MEGHAN J. RUGGIERO and JOSEPH RUGGIERO**, husband and wife, located at 12531 Saddlebrook Lane, Strongsville, Ohio 44149, herein collectively called "Licensee."

### **SECTION ONE**

#### **Grant of License; Description of Premises**

The City for and in consideration of One Dollar (\$1.00) received from the Licensee, hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions hereof, a specific portion of the public right-of-way between the sidewalk and the curb, at 12531 Saddlebrook Lane, Strongsville, Ohio 44149 (hereinafter the "Premises") described in Exhibit A, attached hereto and incorporated herein by reference, and as approved by the Planning Commission, City Engineer, Building Commissioner and City Council.

### **SECTION TWO**

#### **Limitation to Described Purpose**

The Premises may be occupied and used by Licensee solely for the construction, erection, maintenance and repair of one (1) decorative street light and appurtenances in, on, over and under the Premises and for incidental purposes related thereto during the period beginning \_\_\_\_\_, and continuing until this Agreement is terminated as hereinafter provided.

### **SECTION THREE**

#### **Construction**

The street light and appurtenances in, on, under and over the Premises shall be constructed, reconstructed, maintained and repaired in accordance with plans and specifications approved by the City; and such landscaping, street light and/or appurtenances shall be constructed so that there will be no danger of the same obstructing the view of pedestrian and/or vehicular traffic or otherwise posing a hazard or risk to the safety of the public. The expense of construction shall be borne solely by the Licensee.



**SECTION FOUR**  
**Maintenance by Licensee**

The street light and appurtenances shall be maintained in good repair by the Licensee at their sole cost and expense. In furtherance thereof, Licensee agrees to provide the necessary labor and materials to continuously maintain the Premises, landscape care, and any and all other related services necessary to maintain the Premises in good, safe and sanitary conditions and repair throughout the term of this License. In the maintenance of the Premises and the landscaping therein, no changes shall be made in existing structures or plantings without the written authorization of the Mayor and such other appropriate persons as the circumstances require. If the Director of Public Safety finds that the landscaping, street light and/or appurtenances obstruct the view of vehicle or pedestrian traffic or otherwise pose a hazard or risk to the safety of the public; or if the Premises shall not be maintained by the Licensee as herein required, the City, upon the order of the Director of Public Safety with or without notice, may cure the defect, and/or perform the required maintenance, or remove the same. Should any of the foregoing events occur, Licensee agrees to pay the City, in addition to any other sums required by this Agreement, all reasonable costs and expenses incurred by the City in undertaking such work.

**SECTION FIVE**  
**Utility Costs**

Licensee shall be responsible for and directly pay all costs and expenses for power and related costs charged by The Illuminating Company or any other utility company, their successors or assigns.

**SECTION SIX**  
**Insurance**

Licensee, at its sole expense, shall keep in force during the term of this License comprehensive, liability and property damage insurance issued by responsible insurance companies naming the City as an "Additional Interest" and in a form acceptable to the City for the protection against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to, or recovered by reason of damage to the property of, injury to or death of any person or persons on account of any accident or event which may occur on the demised Premises in an amount not less than \$500,000.00 with respect to any one person, and \$1,000,000.00 with respect to any one accident or disaster, and \$500,000.00 with respect to property damage. In the event that the City is notified that any insurance policy the Licensee maintains for the Premises is canceled or modified in any way, so that the Licensee shall not be in compliance with the liability insurance provisions set forth above, then this Agreement may be terminated by the City by giving written notice to the Licensee, such notice to be given following such cancellation or modification of the liability insurance and not less than five (5) days prior to the termination date therein specified.

## **SECTION SEVEN Indemnification**

Licensee agrees, at its expense, to defend, indemnify and hold harmless the City, its officers, agents and employees from and against all liability or loss for injuries to or deaths of persons or damages to property caused by any act or omission to act, or use or occupancy of the Premises by Licensee, its invitees and guests or any other person authorized by Licensee to use the Premises or any portion thereof. Each party hereto shall give to the other prompt and timely notice of any claim made or suit instituted coming to the knowledge of their respective officers or employees, and both shall have the right to participate in the defense of same to the extent of its own interest. In the event the City shall decide to so defend, such defense shall not be deemed a waiver by the City of any of its rights against Licensee under the foregoing indemnification provisions.

## **SECTION EIGHT Termination**

Either party may terminate this Agreement at any time, by giving written notice to the other, specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date therein specified. Upon termination, the Licensee shall remove all improvements they made to the right-of-way and return the right-of-way to its original condition. Should the landscaping, street light and/or appurtenances, or any essential part thereof, be totally destroyed by fire or other casualty, this Agreement shall immediately terminate; and in the case of partial destruction, this Agreement may be terminated by either party by giving written notice to the other, specifying the date of termination, such notice to be given following such partial destruction and not less than five (5) days prior to the termination date therein specified. If Licensee shall make an assignment for the benefit of creditors, or be placed in receivership or adjudicated a bankrupt, or take advantage of any bankruptcy or insolvency law, City may terminate this Agreement by giving written notice to the Licensee, specifying the date of termination, such notice to be given not less than ten (10) days prior to the date therein specified. In the event this Agreement is terminated for any reason, the Licensee shall remove any and all improvements they made pursuant to this Agreement and Licensee shall return the public right-of-way to its original condition.

## **SECTION NINE General Provisions**

**A. *Binding.*** All rights, title and privileges herein granted including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, successors, assigns and legal representatives.

**B. *Privilege not exclusive.*** The permission given herewith is not exclusive; and the City may at any time permit the installation of improvements of a nature similar or dissimilar to those of Licensee.

**C. *Public Access.*** This license is not a grant of an exclusive use of the Premises to the Licensee for any purpose, and the Licensee shall at all times keep and maintain the Premises to allow for the free and open use thereof by the public and the City, its officers, agents, employees and others authorized by it.

**D. *Notices.*** Any notice mailed, addressed to Licensee at the address listed above, or delivered to Licensee, shall be deemed to be proper notice hereunder to the Licensee by City. Any notice mailed or delivered to the Mayor shall be notice by Licensee hereunder, unless and until City shall designate a different representative or address.

IN WITNESS WHEREOF, the parties being duly authorized have executed this license at Strongsville, Ohio the day and year first above written.

Signed in the presence of:

CITY OF STRONGSVILLE

\_\_\_\_\_

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

\_\_\_\_\_

“LICENSEE”  
  
\_\_\_\_\_  
Meghan J. Ruggiero

\_\_\_\_\_

  
\_\_\_\_\_  
Joseph Ruggiero

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 his free act and deed and the free act and deed of said 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 **MEGHAN J. RUGGIERO and JOSEPH RUGGIERO**, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 21 day of August, 2016.



NICHOLAS R. CATANZARITE,  
Attorney At Law  
Notary Public, State of Ohio  
My commission has  
no expiration date.  
Section 147.03 O.R.C.

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



**EXHIBIT A**

And known as being subplot number 371 in Andrus Woods Westwood Farms Subdivision No. 16, Phase II, of part of Original Strongsville Township Lot No. 94 as shown by the recorded plat in Volume 374 of Maps, Page 8 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

(Permanent Parcel No. 392-02-094)



## LICENSE AGREEMENT

Agreement made this \_\_\_ day of \_\_\_\_\_, 2016, between the **CITY OF STRONGSVILLE**, an Ohio municipal corporation, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, herein called "City," and **NICHOLAS R. CATANZARITE and LAUREN A. CATANZARITE**, husband and wife, located at 12534 Saddlebrook Lane, Strongsville, Ohio 44149, herein collectively called "Licensee."

### SECTION ONE

#### Grant of License; Description of Premises

The City for and in consideration of One Dollar (\$1.00) received from the Licensee, hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions hereof, a specific portion of the public right-of-way between the sidewalk and the curb, at 12534 Saddlebrook Lane, Strongsville, Ohio 44149 (hereinafter the "Premises") described in Exhibit A, attached hereto and incorporated herein by reference, and as approved by the Planning Commission, City Engineer, Building Commissioner and City Council.

### SECTION TWO

#### Limitation to Described Purpose

The Premises may be occupied and used by Licensee solely for the construction, erection, maintenance and repair of one (1) decorative street light and appurtenances in, on, over and under the Premises and for incidental purposes related thereto during the period beginning \_\_\_\_\_, and continuing until this Agreement is terminated as hereinafter provided.

### SECTION THREE

#### Construction

The street light and appurtenances in, on, under and over the Premises shall be constructed, reconstructed, maintained and repaired in accordance with plans and specifications approved by the City; and such landscaping, street light and/or appurtenances shall be constructed so that there will be no danger of the same obstructing the view of pedestrian and/or vehicular traffic or otherwise posing a hazard or risk to the safety of the public. The expense of construction shall be borne solely by the Licensee.



**SECTION FOUR**  
**Maintenance by Licensee**

The street light and appurtenances shall be maintained in good repair by the Licensee at their sole cost and expense. In furtherance thereof, Licensee agrees to provide the necessary labor and materials to continuously maintain the Premises, landscape care, and any and all other related services necessary to maintain the Premises in good, safe and sanitary conditions and repair throughout the term of this License. In the maintenance of the Premises and the landscaping therein, no changes shall be made in existing structures or plantings without the written authorization of the Mayor and such other appropriate persons as the circumstances require. If the Director of Public Safety finds that the landscaping, street light and/or appurtenances obstruct the view of vehicle or pedestrian traffic or otherwise pose a hazard or risk to the safety of the public; or if the Premises shall not be maintained by the Licensee as herein required, the City, upon the order of the Director of Public Safety with or without notice, may cure the defect, and/or perform the required maintenance, or remove the same. Should any of the foregoing events occur, Licensee agrees to pay the City, in addition to any other sums required by this Agreement, all reasonable costs and expenses incurred by the City in undertaking such work.

**SECTION FIVE**  
**Utility Costs**

Licensee shall be responsible for and directly pay all costs and expenses for power and related costs charged by The Illuminating Company or any other utility company, their successors or assigns.

**SECTION SIX**  
**Insurance**

Licensee, at its sole expense, shall keep in force during the term of this License comprehensive, liability and property damage insurance issued by responsible insurance companies naming the City as an "Additional Interest" and in a form acceptable to the City for the protection against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to, or recovered by reason of damage to the property of, injury to or death of any person or persons on account of any accident or event which may occur on the demised Premises in an amount not less than \$500,000.00 with respect to any one person, and \$1,000,000.00 with respect to any one accident or disaster, and \$500,000.00 with respect to property damage. In the event that the City is notified that any insurance policy the Licensee maintains for the Premises is canceled or modified in any way, so that the Licensee shall not be in compliance with the liability insurance provisions set forth above, then this Agreement may be terminated by the City by giving written notice to the Licensee, such notice to be given following such cancellation or modification of the liability insurance and not less than five (5) days prior to the termination date therein specified.

## SECTION SEVEN Indemnification

Licensee agrees, at its expense, to defend, indemnify and hold harmless the City, its officers, agents and employees from and against all liability or loss for injuries to or deaths of persons or damages to property caused by any act or omission to act, or use or occupancy of the Premises by Licensee, its invitees and guests or any other person authorized by Licensee to use the Premises or any portion thereof. Each party hereto shall give to the other prompt and timely notice of any claim made or suit instituted coming to the knowledge of their respective officers or employees, and both shall have the right to participate in the defense of same to the extent of its own interest. In the event the City shall decide to so defend, such defense shall not be deemed a waiver by the City of any of its rights against Licensee under the foregoing indemnification provisions.

## SECTION EIGHT Termination

Either party may terminate this Agreement at any time, by giving written notice to the other, specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date therein specified. Upon termination, the Licensee shall remove all improvements they made to the right-of-way and return the right-of-way to its original condition. Should the landscaping, street light and/or appurtenances, or any essential part thereof, be totally destroyed by fire or other casualty, this Agreement shall immediately terminate; and in the case of partial destruction, this Agreement may be terminated by either party by giving written notice to the other, specifying the date of termination, such notice to be given following such partial destruction and not less than five (5) days prior to the termination date therein specified. If Licensee shall make an assignment for the benefit of creditors, or be placed in receivership or adjudicated a bankrupt, or take advantage of any bankruptcy or insolvency law, City may terminate this Agreement by giving written notice to the Licensee, specifying the date of termination, such notice to be given not less than ten (10) days prior to the date therein specified. In the event this Agreement is terminated for any reason, the Licensee shall remove any and all improvements they made pursuant to this Agreement and Licensee shall return the public right-of-way to its original condition.

## SECTION NINE General Provisions

**A. Binding.** All rights, title and privileges herein granted including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, successors, assigns and legal representatives.

**B. Privilege not exclusive.** The permission given herewith is not exclusive; and the City may at any time permit the installation of improvements of a nature similar or dissimilar to those of Licensee.

**C. Public Access.** This license is not a grant of an exclusive use of the Premises to the Licensee for any purpose, and the Licensee shall at all times keep and maintain the Premises to allow for the free and open use thereof by the public and the City, its officers, agents, employees and others authorized by it.

**D. Notices.** Any notice mailed, addressed to Licensee at the address listed above, or delivered to Licensee, shall be deemed to be proper notice hereunder to the Licensee by City. Any notice mailed or delivered to the Mayor shall be notice by Licensee hereunder, unless and until City shall designate a different representative or address.

**IN WITNESS WHEREOF**, the parties being duly authorized have executed this license at Strongsville, Ohio the day and year first above written.

Signed in the presence of:

**CITY OF STRONGSVILLE**

\_\_\_\_\_

By: \_\_\_\_\_

Thomas P. Perciak, Mayor

\_\_\_\_\_

**"LICENSEE"**



Nicholas R. Catanzarite

\_\_\_\_\_



Lauren A. Catanzarite

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 his free act and deed and the free act and deed of said municipal corporation.

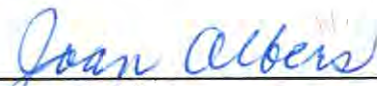
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
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 **NICHOLAS R. CATANZARITE and LAUREN A. CATANZARITE**, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 24<sup>th</sup> day of August, 2016.

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

JOAN ALBERS  
Notary Public, State of Ohio  
My Commission Expires Oct. 15, 2016



**EXHIBIT A**

And known as being subplot number 368 in Andrus Woods Westwood Farms Subdivision No. 16, Phase II, of part of Original Strongsville Township Lot No. 94 as shown by the recorded plat in Volume 374 of Maps, Page 8 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

(Permanent Parcel No. 392-02-092)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/24/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


<b>PRODUCER</b> Brightstone Ins. Services, LLC 7530 Lucerne Drive #101 Middleburg Heights OH 44130		<b>CONTACT NAME:</b> Christine Stanfield <b>PHONE (A/C, No, Ext):</b> 440-260-1006 <b>FAX (A/C, No):</b> 440-260-0218 <b>E-MAIL ADDRESS:</b> cstanfield@brightstoneins.com	
<b>INSURED</b> Nick R. Catanzarite 12534 Saddlebrook Lane Strongsville OH 44149		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : Encompass Insurance Company <b>NAIC #</b> 10358 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	

**COVERAGES**      **CERTIFICATE NUMBER: 1398912**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			US281734401	9/1/2015	9/1/2016	EACH OCCURRENCE \$2,000,000 AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Personal Liability			US281734401	9/1/2015	9/1/2016	Limit \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  City of Strongsville, an Ohio Municipal Corporation 16099 Foltz Parkway Strongsville OH 44149	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--

## **LICENSE AGREEMENT**

Agreement made this \_\_\_ day of \_\_\_\_\_, 2016, between the **CITY OF STRONGSVILLE**, an Ohio municipal corporation, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, herein called "City," and **ANTHONY M. CATANZARITE and ANDREA M. CATANZARITE**, husband and wife, located at 12522 Saddlebrook Lane, Strongsville, Ohio 44149, herein collectively called "Licensee."

### **SECTION ONE**

#### **Grant of License; Description of Premises**

The City for and in consideration of One Dollar (\$1.00) received from the Licensee, hereby grants to Licensee a license to occupy and use, subject to all of the terms and conditions hereof, a specific portion of the public right-of-way between the sidewalk and the curb, at 12522 Saddlebrook Lane, Strongsville, Ohio 44149 (hereinafter the "Premises") described in Exhibit A, attached hereto and incorporated herein by reference, and as approved by the Planning Commission, City Engineer, Building Commissioner and City Council.

### **SECTION TWO**

#### **Limitation to Described Purpose**

The Premises may be occupied and used by Licensee solely for the construction, erection, maintenance and repair of one (1) decorative street light and appurtenances in, on, over and under the Premises and for incidental purposes related thereto during the period beginning \_\_\_\_\_, and continuing until this Agreement is terminated as hereinafter provided.

### **SECTION THREE**

#### **Construction**

The street light and appurtenances in, on, under and over the Premises shall be constructed, reconstructed, maintained and repaired in accordance with plans and specifications approved by the City; and such landscaping, street light and/or appurtenances shall be constructed so that there will be no danger of the same obstructing the view of pedestrian and/or vehicular traffic or otherwise posing a hazard or risk to the safety of the public. The expense of construction shall be borne solely by the Licensee.



**SECTION FOUR**  
**Maintenance by Licensee**

The street light and appurtenances shall be maintained in good repair by the Licensee at their sole cost and expense. In furtherance thereof, Licensee agrees to provide the necessary labor and materials to continuously maintain the Premises, landscape care, and any and all other related services necessary to maintain the Premises in good, safe and sanitary conditions and repair throughout the term of this License. In the maintenance of the Premises and the landscaping therein, no changes shall be made in existing structures or plantings without the written authorization of the Mayor and such other appropriate persons as the circumstances require. If the Director of Public Safety finds that the landscaping, street light and/or appurtenances obstruct the view of vehicle or pedestrian traffic or otherwise pose a hazard or risk to the safety of the public; or if the Premises shall not be maintained by the Licensee as herein required, the City, upon the order of the Director of Public Safety with or without notice, may cure the defect, and/or perform the required maintenance, or remove the same. Should any of the foregoing events occur, Licensee agrees to pay the City, in addition to any other sums required by this Agreement, all reasonable costs and expenses incurred by the City in undertaking such work.

**SECTION FIVE**  
**Utility Costs**

Licensee shall be responsible for and directly pay all costs and expenses for power and related costs charged by The Illuminating Company or any other utility company, their successors or assigns.

**SECTION SIX**  
**Insurance**

Licensee, at its sole expense, shall keep in force during the term of this License comprehensive, liability and property damage insurance issued by responsible insurance companies naming the City as an "Additional Interest" and in a form acceptable to the City for the protection against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to, or recovered by reason of damage to the property of, injury to or death of any person or persons on account of any accident or event which may occur on the demised Premises in an amount not less than \$500,000.00 with respect to any one person, and \$1,000,000.00 with respect to any one accident or disaster, and \$500,000.00 with respect to property damage. In the event that the City is notified that any insurance policy the Licensee maintains for the Premises is canceled or modified in any way, so that the Licensee shall not be in compliance with the liability insurance provisions set forth above, then this Agreement may be terminated by the City by giving written notice to the Licensee, such notice to be given following such cancellation or modification of the liability insurance and not less than five (5) days prior to the termination date therein specified.

## SECTION SEVEN Indemnification

Licensee agrees, at its expense, to defend, indemnify and hold harmless the City, its officers, agents and employees from and against all liability or loss for injuries to or deaths of persons or damages to property caused by any act or omission to act, or use or occupancy of the Premises by Licensee, its invitees and guests or any other person authorized by Licensee to use the Premises or any portion thereof. Each party hereto shall give to the other prompt and timely notice of any claim made or suit instituted coming to the knowledge of their respective officers or employees, and both shall have the right to participate in the defense of same to the extent of its own interest. In the event the City shall decide to so defend, such defense shall not be deemed a waiver by the City of any of its rights against Licensee under the foregoing indemnification provisions.

## SECTION EIGHT Termination

Either party may terminate this Agreement at any time, by giving written notice to the other, specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date therein specified. Upon termination, the Licensee shall remove all improvements they made to the right-of-way and return the right-of-way to its original condition. Should the landscaping, street light and/or appurtenances, or any essential part thereof, be totally destroyed by fire or other casualty, this Agreement shall immediately terminate; and in the case of partial destruction, this Agreement may be terminated by either party by giving written notice to the other, specifying the date of termination, such notice to be given following such partial destruction and not less than five (5) days prior to the termination date therein specified. If Licensee shall make an assignment for the benefit of creditors, or be placed in receivership or adjudicated a bankrupt, or take advantage of any bankruptcy or insolvency law, City may terminate this Agreement by giving written notice to the Licensee, specifying the date of termination, such notice to be given not less than ten (10) days prior to the date therein specified. In the event this Agreement is terminated for any reason, the Licensee shall remove any and all improvements they made pursuant to this Agreement and Licensee shall return the public right-of-way to its original condition.

## SECTION NINE General Provisions

**A. Binding.** All rights, title and privileges herein granted including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, successors, assigns and legal representatives.

**B. Privilege not exclusive.** The permission given herewith is not exclusive; and the City may at any time permit the installation of improvements of a nature similar or dissimilar to those of Licensee.

**C. Public Access.** This license is not a grant of an exclusive use of the Premises to the Licensee for any purpose, and the Licensee shall at all times keep and maintain the Premises to allow for the free and open use thereof by the public and the City, its officers, agents, employees and others authorized by it.

**D. Notices.** Any notice mailed, addressed to Licensee at the address listed above, or delivered to Licensee, shall be deemed to be proper notice hereunder to the Licensee by City. Any notice mailed or delivered to the Mayor shall be notice by Licensee hereunder, unless and until City shall designate a different representative or address.

**IN WITNESS WHEREOF**, the parties being duly authorized have executed this license at Strongsville, Ohio the day and year first above written.

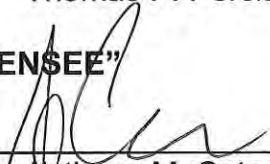
Signed in the presence of:

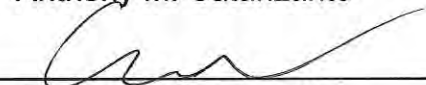
**CITY OF STRONGSVILLE**

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

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

**"LICENSEE"**

  
\_\_\_\_\_  
Anthony M. Catanzarite

  
\_\_\_\_\_  
Andrea M. Catanzarite

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 his free act and deed and the free act and deed of said 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 **ANTHONY M. CATANZARITE and ANDREA M. CATANZARITE**, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 22 day of August, 2016.



NICHOLAS R. CATANZARITE,  
Attorney At Law  
Notary Public, State of Ohio  
My commission has  
no expiration date.  
Section 147.03 O.R.C.

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



**EXHIBIT A**

And known as being subplot number 367 in Andrus Woods Westwood Farms Subdivision No. 16, Phase II, of part of Original Strongsville Township Lot No. 94 as shown by the recorded plat in Volume 374 of Maps, Page 8 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

(Permanent Parcel No. 392-02-090)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/24/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brightstone Ins. Services, LLC 7530 Lucerne Drive #101 Middleburg Heights OH 44130	CONTACT NAME: Christine Stanfield PHONE (A/C, No, Ext): 440-260-1006 E-MAIL ADDRESS: cstanfield@brightstoneins.com	FAX (A/C, No): 440-260-0218
	INSURER(S) AFFORDING COVERAGE INSURER A : Encompass Insurance Company	
INSURED Anthony & Andrea Catanzarite 12522 Saddlebrook Lane Strongsville OH 44149	CATANZAN01	
INSURER B :		
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

**COVERAGES**                                      **CERTIFICATE NUMBER:** 1409201919                                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE	\$
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$
							PRODUCTS - COMP/OP AGG	\$
								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			US281740265	12/4/2015	12/4/2016	EACH OCCURRENCE	\$2,000,000
							AGGREGATE	\$
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Personal Liability			US281740265	12/4/2015	12/4/2016	Limit	\$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  City of Strongsville, an Ohio Municipal Corporation 16099 Foltz Parkway Strongsville OH 44149	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2016 – 160**

**By: Mr. Daymut**

**AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES THE LOT SPLIT PLAT FOR A SUBDIVISION FOR MICHAEL L. PERRY, TRUSTEE, FOR PERMANENT PARCEL NO. 394-32-013, LOCATED AT 19408 BOSTON ROAD, AND DECLARING AN EMERGENCY.**

WHEREAS, the lot split plat of Permanent Parcel No. 394-32-013, located at 19408 Boston Road, and known as a Subdivision for Michael L. Perry, Trustee, is being submitted to this Council for review pursuant to Title Four of Part Twelve of the Codified Ordinances of the City of Strongsville; and

WHEREAS, the Codified Ordinances of the City and the minimum standards for improvements required for the subdivision of land adopted therein require the installation of sanitary sewers to certain specifications unless a deviation from those standards is approved by the Planning Commission pursuant to C.O. Section 1228.01(i); and

WHEREAS, Michael L. Perry, Trustee, as principal for the Subdivision, and an owner of Permanent Parcel No. 394-32-013, located at 19408 Boston Road, and zoned R1-75, submitted the lot split plat to the Planning Commission of the City of Strongsville, and requested a deviation to permit a subdivision without sanitary sewers; and the Planning Commission approved the subdivision and the requested deviation on July 28, 2016, subject to certain conditions; and

WHEREAS, the Engineer of the City of Strongsville has reviewed the plat and documents, and finds them in good order and has approved them, and, therefore, has recommended to the Planning Commission and this Council that this Subdivision be approved for recording purposes, and that the deviation from minimum standards requested be given favorable consideration; and

WHEREAS, this Council desires to approve the deviation and the aforesaid subdivision plat for recording purposes.

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

**Section 1.** That this Council hereby finds and determines that the lot split of Permanent Parcel No. 394-32-013, located at 19408 Boston Road, and known as a Subdivision owned by Michael L. Perry, Trustee, without sanitary sewers, as shown on Exhibit A attached hereto and incorporated herein as if fully rewritten, will be equally as effective, safe, adequate and desirable as the improvement would be under such



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2016 – 160**

**Page 2**

standards, and that the improvement under the proposed deviation will perform the same function as and have a life of usefulness equal to the improvement made pursuant to such standards; the strict application of the minimum standards to improvements which are under construction or which have been fully planned and contracted for at the time this section became effective would cause extreme undue hardship or practical difficulty; and that such deviation will be in harmony with the general purpose and intent of the minimum subdivision standards and will not interfere with the public health, safety or general welfare.

**Section 2.** That a deviation in minimum subdivision standards for the purposes of subdividing Permanent Parcel No. 394-32-013, without sanitary sewers, as shown on Exhibit A, be and is hereby approved.

**Section 3.** That, pursuant to the provisions of C.O. Section 1228.01(i), this Council hereby confirms the deviation from the minimum standards for improvements required for the subdivision of these lands approved by the Planning Commission on July 28, 2016, subject to certain conditions ordered by the Planning Commission.

**Section 4.** That the Council of the City of Strongsville does hereby approve the lot split plat of the Subdivision, submitted by Michael L. Perry, Trustee, an owner of the Subdivision, for Permanent Parcel No. 394-32-013, as set out in attached Exhibit A, for recording purposes.

**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. 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: \_\_\_\_\_

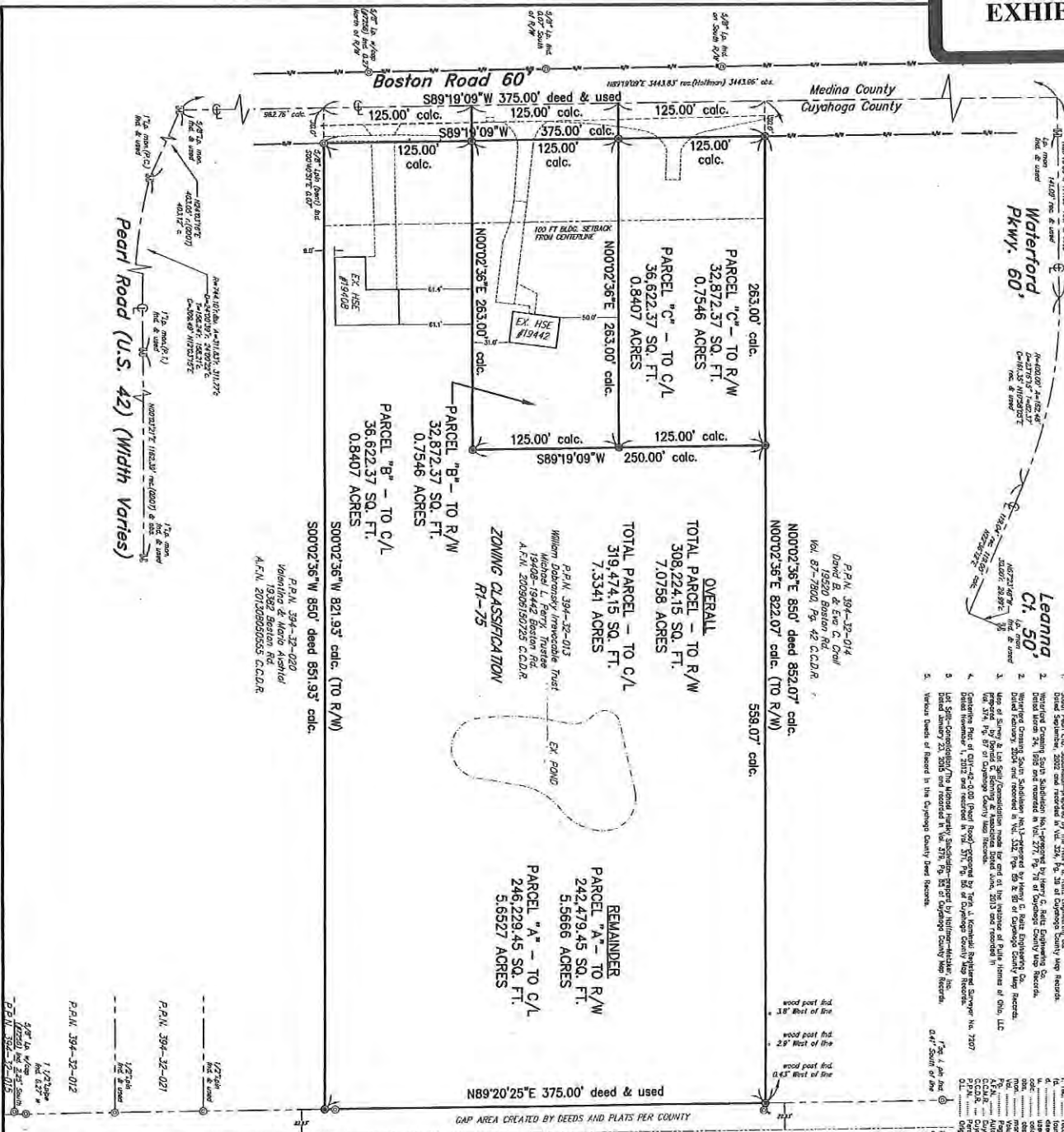
Date Approved: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2016 – 160  
Page 3

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

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

ORD. No. 2016-160 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



**SUBJECT REFERENCES**

1. Plat No. 394-32-014
2. Plat No. 19408-19442
3. Plat No. 200909150725
4. Plat No. 394-32-021
5. Plat No. 394-32-022

**ABERRATIONS**

1. Error in area calculation
2. Error in area calculation
3. Error in area calculation
4. Error in area calculation
5. Error in area calculation

**APPROVALS**

**PLANNING COMMISSION:**  
This Plat is approved by the Planning Commission of the City of Strongsville  
By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

**CITY ENGINEER:**  
This Plat is approved by the City Engineer of the City of Strongsville  
By: \_\_\_\_\_  
By: \_\_\_\_\_

**CITY COUNCIL:**  
This Plat is approved by the Council of the City of Strongsville  
By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

**ACCEPTANCE:**  
I, Michael L. Perry, Trustee of the William Doherty Irrevocable Trust, do hereby accept this Plat of the City of Strongsville, Ohio, and I hereby warrant and defend the title and boundaries hereon shown to be correct and conform to the plat hereon shown.

By: \_\_\_\_\_  
Michael L. Perry, Trustee

**SUBJECT DESCRIPTION:**  
This plat is a subdivision of land owned by the City of Strongsville, Ohio, and is subject to the provisions of the Ohio Revised Code, Chapter 1631. The land is located in the City of Strongsville, Ohio, and is bounded by Boston Road to the north, Pearl Road to the west, and Medina County/Cuyahoga County lines to the east and south. The land is divided into five parcels, labeled A, B, C, and the remainder. The parcels are shown in the plat hereon shown. The area of each parcel is shown in the plat hereon shown. The total area of the land is shown in the plat hereon shown. The plat is subject to the provisions of the Ohio Revised Code, Chapter 1631. The plat is subject to the provisions of the Ohio Revised Code, Chapter 1631. The plat is subject to the provisions of the Ohio Revised Code, Chapter 1631.

**APPROVALS:**  
By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

**DATE:** 05/01/15



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 161

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION FOR STATE OF OHIO ISSUE 1 FUNDING FOR IMPROVEMENTS TO THE MUNICIPAL SANITARY SEWER SYSTEM IN CONNECTION WITH THE DRAKE ROAD, BOWMAN DRIVE AND FETZER DRIVE SANITARY SEWER PROJECT IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council is desirous of making application for State of Ohio Issue 1 funding, including both a grant and loan (at zero percent interest), for improvements to the Municipal Sanitary Sewer System, consisting of the installation of an 8" sanitary sewer collection line, manholes, house connections to replace the failing septic systems currently in place, construction of a water line and hydrants on Fetzer Drive, restoration of disturbed areas, as well as pavement repairs to Bowman and Fetzer Drives, all in connection with the Drake Road, Bowman Drive, and Fetzer Drive Sanitary Sewer Project, with a total overall estimated cost of \$2,468,661.00.

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 and City Engineer be and are hereby authorized and directed to prepare and submit an application to the Ohio Public Works Commission for some \$1,604,630.00 in Issue 1 funding, including both a grant and loan, for improvements to the Municipal Sanitary Sewer System in connection with the Drake Road, Bowman Drive, and Fetzer Drive Sanitary Sewer Project; and to execute all documents and do all things necessary in furtherance thereof.

**Section 2.** That, if such application is approved, it is the intent of this Council to pay for the City's portion of the costs in connection with such project, estimated to be some \$864,031.00, from the Sanitary Sewer Fund and through the collection of special assessments and such other local and/or state funds which become available for such project.

**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.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 161**  
**Page 2**

**Section 4.** 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 the preparation and submission of the application is immediately necessary in order to meet the application deadline date, provide for an improved public sewer system for residents, 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.

\_\_\_\_\_  
 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. 2016-161 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 162

By: Mayor Perciak and Mr. Daymut

**A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR AN ADDITION TO THE ALTENHEIM SENIOR LIVING FACILITY ON SHURMER ROAD, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through its agent, the Altenheim Senior Living Short Term Rehab and Memory Care facility submitted a site plan to the Planning Commission for approval of a 52,521 square foot addition to the current Short Term Rehab and Memory Care buildings, located at 18627 Shurmer Road, PPNs 397-01-006 and 397-01-012, which property is zoned Public Facilities and Senior Residence-1; and

WHEREAS, the Planning Commission approved said final site plan at its meeting of July 28, 2016, subject to certain conditions, which the City's Engineering and Fire Departments report have been and/or are in the process of being satisfied.

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

**Section 1.** That this Council does hereby confirm the approval of the City's Planning Commission of the site plan submitted by the agent for the Altenheim Senior Living Short Term Rehab and Memory Care facility, for a 52,521 square foot addition to the current Short Term Rehab and Memory Care buildings, on Permanent Parcel Nos., 397-01-006 and 397-01-012, located at 18627 Shurmer Road, which property is zoned Public Facilities and Senior Residence-1, subject to the conditions established by the Planning Commission.

**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 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 3.** 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 in order to ensure proper development of all lots and land located within the City. 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.



CITY OF STRONGSVILLE, OHIO  
RESOLUTION NO. 2016 - 162  
Page 2

\_\_\_\_\_  
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. 2016-162 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** July 29, 2016

---

Please be advised that at its meeting of July 28, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### MITCHELL'S ICE CREAM/ Matt Plecnik, Agent

- a) Certificate of Appropriateness for a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational.
- b) Site Plan approval of a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational **subject to the Engineering Report.** \*BZA Variance Granted 6-22-16. \*ARB Favorable Recommendation 7-12-16.

### MICHAEL L. PERRY/ MICHAEL PERRY, PRINCIPAL

- a) Deviation to permit a subdivision without sanitary sewers at 19408 Boston Road, PPN 394-32-013 zoned R1-75, pursuant to Codified Ordinance Section 1228.01(i).
- b) Subdivision of PPN 394-32-013, property located at 19408 Boston Road zoned R1-75 **should be made subject to the location of the septic systems on the two homes and if necessary an easement for the discharge.**

### ALTENHEIM SENIOR LIVING SHORT TERM REHAB AND MEMORY CARE/ Rudy Jovanov, Agent

- a) Vacation of current Storm Sewer Easement and acceptance of the relocated Storm Sewer Easement by the City **subject receipt of the final easements by the Law Office on the vacation.**
- b) Site Plan approval of a proposed 52,521 SF addition to the current Short Term Rehab and Memory Care buildings for property located at 18627 Shurmer Road, PPN 397-01-006 and 012 zoned Public Facility and Senior Residence 1 **subject to Fire and Engineering Reports.** \*ARB Favorable Recommendation 7-12-16.

Council Memo  
July 29, 2016  
Page Two

**ORDINANCE NO. 2016-056**

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the zoning classification of certain real estate located at 9200 Pearl Road in the City of Strongsville from R-RS (Restaurant-Recreational Services) classification to MS (~~Motorist Service~~) CS (Commercial Service) Classification (PPN 395-03-006), and Declaring an Emergency, As Amended.



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 163

By: Mayor Perciak and Mr. Schonhut

AN ORDINANCE AMENDING SECTION 1402.05 OF CHAPTER 1402, OF THE STRONGSVILLE DWELLING CODE, OF TITLE TWO, PART FOURTEEN; AND SECTION 1420.02 OF CHAPTER 1420, OF TITLE FOUR, PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING STORM WATER DRAINAGE AND PERMIT FEES, 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 Section 1402.05 of Chapter 1402 of Title Two, Part Fourteen of the Codified Ordinances of the City of Strongsville, be and is hereby amended in order that said Section shall read in its entirety as follows:

**Chapter 1402  
Strongsville Dwelling Code**

\* \* \*

**1402.05 STORM WATER DRAINAGE.**

**(a)** Where storm sewers are available, all gutters, drain leaders and downspouts shall be connected to them. Where there are no storm sewers, gutters, drains, leaders and downspouts shall be required to drain onto splash blocks directed away from both the structure and adjoining properties.

**(b)** As an alternative to the requirements set forth in subsection (a) of this section, one or more downspouts may be diverted into an approved rain barrel or other storm water storage device approved by the Building Commissioner, or his or her duly appointed representative, and the City Engineer, or his or her duly appointed representative, in accordance with this subsection, provided that the overflow from such appurtenance is directed back into the downspout. For purposes of this subsection, a rain barrel is defined as a plastic storage tank with a maximum water storage capacity of seventy (70) gallons. Other storm water storage devices, for purposes of this subsection, are defined as on-site storm water storage devices, other than a rain barrel, that are approved by the Northeast Ohio Regional Sewer District (“NEORS”) as valid storm water control measures and enable a property owner to be eligible for an individual NEORS storm water residential property credit. All such devices are subject to the following:



(1) Rain barrels and other storm water storage devices shall only be located in the rear yard, as defined in Section 1240.08(c)(20)(C). Notwithstanding this rear yard requirement, rain barrels and other storm water storage devices may be located in the side yard, as defined in Section 1240.08(c)(20)(D), if the following factors demonstrate to the reasonable satisfaction of the Building Commissioner that such location will not cause a problem or a public or private nuisance and will not create adverse conditions or impacts on neighboring properties:

- (A) Configuration of the dwelling or structure;
- (B) Topography;
- (C) Landscaping;
- (D) Location of a patio, deck or pool;
- (E) Window placement;
- (F) Site line from adjacent homes: and
- (G) Other similar factors determined by the Building Commissioner.

(2) Rain barrels and other storm water storage devices are prohibited in the front yard, as defined in Section 1240.08(c)(20)(B).

(3) Rain barrels and other storm water storage devices shall be positioned adjacent to the rear of the dwelling structure so as not to be visible from the public right-of-way. Only one rain barrel or other storm water storage device may be installed at each rear yard downspout or side yard downspout, if authorized by the Building Commissioner.

(4) Rain barrels and other storm water storage devices, if visible from the public right-of-way and/or neighboring properties and authorized by the Building Commissioner, shall be screened from the public right-of-way and adjacent properties by means of a landscape buffer, consisting of year round plantings of a height at least equal to the height of the rain barrel and other storm water storage devices. The landscape buffer shall be provided and maintained in a manner reasonably satisfactory to the Building Commissioner.

(5) Rain barrels and other storm water storage devices shall be covered at all times and incorporate a drainage system that directs any overflow away from the building's foundation in a manner that does not affect neighboring properties, and into the public storm sewer system.

(6) The installation of rain barrels and other storm water storage devices shall be limited to residentially zoned property and shall conform to the standards established by the City for such devices and shall be subject to review



and approval by the Building Commissioner, or his or her duly appointed representative, and City Engineer, or his or her duly appointed representative, to ensure that they are correctly installed. A permit is required to be obtained from the Building Department by the property owner prior to the installation of any rain barrel or other storm water storage device. The applicant shall submit any information required by the Building Commissioner and City Engineer and plans to the City that include a site plan showing the dwelling structure in relation to the property lines and the location of the downspout or downspouts proposed to be used for a rain barrel and other storm water storage device, including the method of connecting the overflow back to the downspout, and a landscaping plan if necessary to screen the rain barrel from the public right-of-way and/or neighboring properties.

- (7) Rain barrels and other storm water storage devices shall be maintained in accordance with original construction standards to resist decay or deterioration of any cause and shall not cause a public or private nuisance.

(c) As an alternative to the requirements set forth in subsection (a) of this section, one or more downspouts may be diverted into an approved rain garden. Such rain garden shall be subject to the review and approval of the Building Commissioner, or his or her duly appointed representative, and City Engineer, or his or her duly authorized representative, and shall be constructed in accordance with the latest edition of the *Rain Garden Manual for Homeowners*. No rain garden shall be constructed until a permit is obtained from the Building Department by the property owner prior to its installation. The applicant shall submit plans to the City that include a site plan showing the dwelling structure in relation to the property lines and the location of the downspout or downspouts proposed to be used for the rain garden. The rain garden shall be maintained so that it shall not cause a public or private nuisance and shall not allow water to flow into neighboring properties.

(d) Any person affected by any order or decision of the Building Commissioner and/or City Engineer pursuant to this section may request and shall be granted a hearing before the Board of Building Code Appeals. Such appeal shall be requested in writing within ten (10) days of the date of the ruling.

(~~Ord. 2005-74. Passed 4-18-05.~~)



**Section 2.** That Section 1420.02 of Chapter 1420 of Title Four, Part Fourteen of the Codified Ordinances of the City of Strongsville, be and is hereby amended in order that said Section shall read in part as follows:

\* \* \*

**1420.02 BUILDING AND ENGINEERING PLAN EXAMINATION, PERMIT AND INSPECTION FEES.**

The following fees shall be paid by the applicant for the occupancies and items listed below at the time an application is made and/or at the time such fees are determined, but in any event no later than at the time of issuance of the permit:

<b>Table 1420.02.1 - RESIDENTIAL</b>			
<b>RESIDENTIAL 1, 2 &amp; 3 FAMILY DWELLING PERMIT FEES <sub>a, b, c, d, e, f</sub></b>			
	<b>New 1, 2 &amp; 3 Family <sub>a</sub></b>	<b>ADDITIONS <sub>a</sub></b>	<b>ALTERATIONS <sub>a</sub></b>
Building Permit	$GA \times SFCT = PF \text{ a}$	$GA \times SFCT \times (50\%) = PF \text{ a}$	$GA \times SFCT \times (50\%) = PF \text{ a}$
Electrical Permit	12% x PF	12% x PF	\$ 100.00
HVAC Permit	12% x PF	12% x PF	\$ 100.00
Plumbing Permit	12% x PF	12% x PF	\$ 100.00
1 % State Tax	Plus 1 % of all the fees above <sub>b</sub>	Plus 1 % of all the fees above <sub>b</sub>	Plus 1 % of all the fees above <sub>b</sub>
Building Plan Review Fee	12% x PF, \$50.00 minimum	12% x PF, \$50.00 minimum	12% x PF, \$50.00 minimum
Engineering TOPO Review Fees	12% x PF	12% x PF	N/A
Engineering Inspection Fees	12% x PF	12% x PF	N/A
Grading Compliance Deposit	\$800.00	N/A	N/A
Sewer Cap Fee	Sewer Cap Range Table <sub>f</sub>	N/A	N/A
Tree Planting Fee	Tree Planting Range Table <sub>d</sub>	N/A	N/A
Recreation Cap Improvement Fee	\$ 800.00 <sub>e</sub>	N/A	N/A
Right Of Way Deposit	\$400.00	N/A	N/A
Excessive Loads Fee	\$100.00	N/A	N/A
Compliance Deposit	\$500.00	\$500.00 selectable based on scope	\$500.00 selectable based on scope
Certificate Of Occupancy	\$50.00	\$50.00	\$50.00
	<b>Total permit fees</b>	<b>Total permit fees</b>	<b>Total permit fees</b>

<b>RESIDENTIAL MISCELANOUS FEES <sub>b, c, d, f</sub></b>		
Electrical Permit	\$50.00 Flat Fee plus 1% State Tax <sub>b</sub>	
HVAC Permit	\$100.00 Flat Fee plus 1% State Tax <sub>b</sub>	

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 163**  
**Page 5**

Plumbing Permit	\$50.00 Flat Fee plus 1% State Tax b	
Deck	Value Range Table c (x 50%) = PF b	Includes building and topographical review
Shed	Value Range Table c (x 50%) = PF, \$50.00 minimum	Includes building and topographical review
Pool/Spa Above Ground	\$100.00 Flat Fee b	Includes building, electrical and gas if applicable
In-ground Pool	\$100.00 Flat Fee b	Includes building, electrical, topographical review and gas if applicable
Siding	\$50.00 Flat Fee	
Miscellaneous	Value Range Table c (x 50%) = PF	
Driveway/Apron	\$50.00 Flat Fee b	Includes building, engineering and topographical review
Sidewalk	\$50.00 Flat Fee b	Includes building, engineering and topographical review
Reroof	\$50.00 Flat Fee b	
Sewer	\$50.00 Flat Fee b	
<b>Rain Barrel/Water Garden</b>	<b>\$50.00 Flat Fee b</b>	
Dye Test Inspection	\$50.00 Flat Fee b	
Waterproofing	\$100.00 Flat Fee b	
Water Control	\$50.00 Flat Fee b	
Fence	Value Range Table c (x 50%) = PF	
Hot Water Tank	\$50.00 Flat Fee b	
Residential Demolition Building	\$50.00 Flat Fee b	
Residential Demolition Engineering	\$50.00 Flat Fee	

- a. Building Valuation Data or "BVD" published by the International Code Council utilizes the "average construction costs per square foot table" and is one of the factors used for determining permit cost in the City of Strongsville. The average construction cost per square foot table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction
- b. A 1% tax is added to the building, electrical, mechanical and plumbing permits that are governed by the Residential Code Of Ohio, pursuant to H. B. 175 and sections 103.2.4.2 and 103.2.4.1 of Rule 4101:8-1-03of the Ohio Administrative Code adopted by the Board of Building Standards.
- c. Refer to the Building Value Range Table 1420.02.3 for appropriate permit fees.
- d. Refer to the Tree Planting Fund Range Table 1420.02.5 for appropriate permit fees.
- e. Recreation capital improvement fee as determined by Strongsville C.O. 1224.06 and Planning Commission Approval
- f. Sewer Capitalization Rate Range Table 1420.02.6

\* \* \*

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 163**  
**Page 6**

**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 immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to regulate the design, construction and maintenance of rain barrels, storm water storage devices and rain gardens, and to further provide for permit fees. 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. 2016-163 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 164

By: Mayor Perciak and All Members of Council

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY'S PURCHASE OF ELECTRICITY SUPPLY FOR STREETLIGHTS LOCATED WITHIN THE CITY OF STRONGSVILLE, FROM CONSTELLATION NEWENERGY, INC. THROUGH THE SOURCING ALLIANCE, A COUNCIL OF GOVERNMENTS, WITHOUT PUBLIC BIDDING; AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRICITY SUPPLY AGREEMENT AND RELATED DOCUMENTS WITH CONSTELLATION NEWENERGY, INC. FOR THIS PURPOSE, AND DECLARING AN EMERGENCY.**

WHEREAS, in 2013, Council passed Ordinance Nos. 2013-251 and 2013-252 authorizing purchase of electricity through the Sourcing Office from various pre-bid suppliers for a number of municipal facilities; and

WHEREAS, due to a change in name, the "Sourcing Office" became the "Sourcing Alliance" in 2014, and through Ordinance No. 2014-098, the City of Strongsville executed a Sourcing Alliance Network Membership Agreement; and

WHEREAS, in 2015, Council passed Ordinance No. 2015-056 authorizing the purchase of electricity supply for streetlights located within the City of Strongsville through the aforementioned Sourcing Alliance; and

WHEREAS, it is estimated that proceeding again in this manner to purchase electricity for all of the streetlights located within the City of Strongsville utilizing over 1.5 million kilowatt hours per year, will be more advantageous financially than the City attempting to purchase supplies of electricity on its own for such purpose, and will be in the best interest of the City; and

WHEREAS, the proposed purchases of electrical power are authorized by Ohio Revised Code Chapter 167 and Section 9.48 without the necessity of competitive bidding by the City.

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 consistent with Section 9.48 of the Ohio Revised Code, this Council finds and determines, as set out in Article V, § 5 of the City Charter, that it would be in the best interests of the City to purchase electricity for the streetlights within the City for a thirteen (13) month period commencing in December, 2017 through

January, 2019, from **CONSTELLATION NEWENERGY, INC.**, a supplier of electricity through the **SOURCING ALLIANCE**, a non-profit Council of Governments, with which the City maintains a membership and an Agreement, without public bidding, for the continued and efficient operation of such municipal streetlights, for the benefit of the public health, safety and welfare, and to conserve public funds.

**Section 2.** That for the reasons aforesaid, and pursuant to the legal authority cited above, this Council hereby approves the purchase of electricity from the above supplier for the aforesaid municipal streetlights during a thirteen (13) month period commencing in December, 2017 through January, 2019, and therefore, hereby approves and authorizes the Mayor to enter into an Electricity Supply Agreement – Fixed Price Solutions with **CONSTELLATION NEWENERGY, INC.**, in the form attached hereto as Exhibit A and incorporated herein, but subject to final approval of the Law Director, and at the unit prices initially as reflected on the Constellation NewEnergy, Inc. price proposals also attached and incorporated herein by reference, but in any event in a total amount not to exceed \$184,000.00 during the period of the Agreement.

**Section 3.** That the funds for the purpose of the aforesaid agreement and expenditures have been appropriated for the first year and shall be paid for all years of the agreement from the General Fund and Street Construction, Maintenance and Repair 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 actions 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, and for the further reason that it is immediately necessary to enter into said Agreement in order to continue operation of City streetlights without interruption, to enhance safety within the City, to take advantage of extremely competitive prices for electrical power, 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.

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

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

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

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2016 - 164  
Page 3

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

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

ORD. No. 2016-164 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 165

By: Mr. Schonhut

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2016-082 TO EXTEND THE TERM OF THE CONTRACT UNDER THE UNITED STATES GENERAL SERVICES ADMINISTRATION AUTHORIZING THE PURCHASE OF CELLULAR COMMUNICATIONS SERVICES AND EQUIPMENT FOR USE BY VARIOUS DEPARTMENTS OF THE CITY, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2016-082, Council authorized the Mayor to request authority in the name of the City of Strongsville to participate in the United States General Services Administration (GSA) contracts for the purchase of various cellular communications services and equipment through Verizon Wireless, for use by various departments of the City in a total amount not to exceed \$125,000.00, and for a term ending July 21, 2016, which the Department entered into pursuant to the United States General Services Administrative Cooperative Purchasing Program; and

WHEREAS, the Director of Communication & Technology now has advised this Council that the GSA contract for Verizon Wireless, under Contract No. GSA-FSS GS-35F-0119P, has been renewed, thereby enabling the City to extend the existing contract retroactive to July 21, 2016 through December 31, 2016; and

WHEREAS, this Council, therefore, is desirous of amending Section 1 of Ordinance No. 2016-082, in order to extend the time period for such cellular communications services and equipment for the City's technology needs with Verizon Wireless through December 31, 2016.

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

**Section 1.** That Section 1 of Ordinance No. 2016-082 be and is hereby amended to read in its entirety as follows:

**“Section 1.** That the Mayor be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in the United States General Services Administration Federal Supply Schedule, Information Technology contracts for the purchase of cellular communications services and equipment from **VERIZON WIRELESS** for use by various departments of the City in amounts not to exceed a total of \$125,000.00 from January 1, 2016 through **July 24December 31**, 2016, based upon the rates set forth in the price list for such contract, which the General Services Administration has entered into

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2015 – 165**  
**Page 2**

pursuant to law, and that is on file with the City's Director of Communication & Technology and summarized on Exhibit A attached hereto and incorporated herein."

**Section 2.** That any purchases made since July 21, 2016 are hereby ratified.

**Section 3.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund; Street Construction, Maintenance & Repair Fund; Fire Levy Fund; Multi-Purpose Complex Fund and the Sanitary Sewer 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, and for the further reason that it is immediately necessary to extend the term of the existing contract for cellular communications services and equipment for the City's technology needs, for use by the various departments of the City in order to maintain continuity and efficiency in the operation of the Department of Communication and Technology, other City Departments, 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	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

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

ORD. No. 2016-165 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 166

By: Mr. DeMio

**AN ORDINANCE APPROVING THE ACCEPTANCE OF FINANCIAL ASSISTANCE UNDER THE DRUG ABUSE RESISTANCE EDUCATION (“DARE”) LAW ENFORCEMENT GRANTS PROGRAM, AND DECLARING AN EMERGENCY.**

WHEREAS, Council, by and through Ordinance No. 2016-078, passed April 4, 2016, authorized the Mayor to apply for financial assistance under the DARE Grants Program providing funds for local law enforcement agencies, and specifically for the salary of a certified DARE officer teaching or planning to teach the approved DARE curriculum in local schools in the City for the 2016-2017 school year; and

WHEREAS, the DARE Grants Program provides that grant awards are to be paid by the Ohio Attorney General's Office to each approved applicant; and

WHEREAS, the City has been advised that its application for DARE Grants Program funds has been approved, and it accordingly has received or will receive the amount of \$35,318.40 from the Office of the Ohio Attorney General.

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

**Section 1.** That this Council hereby approves the acceptance by the City, through the Mayor, Chief of Police and/or Director of Finance of \$35,318.40 in DARE Grants Program funds to be utilized to assist the City in the payment of the salary for one (1) full-time certified DARE officer during the 2016-2017 school year, in accordance with the approved application for such funding.

**Section 2.** That the monies received and the funds required to meet the City's obligation under said application, if any, have been appropriated and are to be paid respectively into and from the General Fund.

**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.



**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 166**  
**Page 2**

**Section 4.** 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 the acceptance of such grant funds is necessary in order to defray a portion of the costs of the City's Drug Abuse Resistance Education Program, provide for continuity in the operation of the Police Department, 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. 2016-166 Amended: \_\_\_\_\_

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

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

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

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

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 167

By: Mayor Perciak and Mr. Carbone

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE REMOVAL AND REPLACEMENT OF EXISTING ROOFING AND RELATED ITEMS AT WASTEWATER TREATMENT PLANTS “B” AND “C” AND THE WESTWOOD LIFT STATION BUILDING, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Resolution No. 2016-150, the City advertised and received bids for the removal and replacement of existing roofing and all related items at Wastewater Treatment Plants “B” and “C” and the Westwood Lift Station building; and

WHEREAS, Council is desirous of proceeding to award and enter into a contract for such services and equipment.

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

**Section 1.** That this Council hereby finds and determines that the bid submitted by **PROFESSIONAL ROOFING SERVICES, INC.**, meets the specifications on file in the office of the Director of Public Service; is in compliance with the applicable requirements for bids and contracts established by the laws of the City and the State; and is the lowest and best bid for the proposed contract, since the apparent lowest bidder, Southwest Companies, Inc., is not in compliance with the specifications on file in the office of the Director of Public Service for this project, thereby rendering its bid non-responsive to required specifications. All other bids for this contract are, therefore, hereby rejected.

**Section 2.** That the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder in the amount of \$332,480.00, consistent with the Bidder’s response and unit prices for the Base Bid and Bid Alternate 1, for the removal and replacement of the existing roofing and all related items at Wastewater Treatment Plants “B” and “C” and the Westwood Lift Station building, and in a form approved by the Law Director.

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

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 167**  
**Page 2**

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 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 authorize execution of said contract in order to provide continuity and efficient operation of the City's Wastewater facilities, to repair and protect City-owned utilities and property, 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.

\_\_\_\_\_  
 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. 2016-167 Amended: \_\_\_\_\_

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

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

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

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

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



CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 168

By: Mr. Carbone

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE PURCHASE OF HOT APPLIED CRACK SEALING FOR 2016 FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE.

BE IT RESOLVED 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 to advertise for bids for the purchase of Hot Applied Crack Sealing for 2016 for use by the Service Department of the City of Strongsville, in accordance with specifications on file in the office of the Director of Public Service, which are in all respects hereby approved.

Section 2. That the funds for the purposes of this Resolution have been appropriated and shall be paid from the Street Construction, Maintenance and Repair Fund.

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.

Section 4. That this Resolution 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

*RES*  
ORD. No. 2016-168 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 169

By: Mayor Perciak and All Members of Council

**AN ORDINANCE RATIFYING AND AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE CITY OF STRONGSVILLE'S RENOVATION OF THE LOCKER ROOMS AT THE EHRSFELT RECREATION CENTER IN ORDER TO COMPLETE A CAPITAL IMPROVEMENT COMMUNITY RECREATION PROJECT; AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Department of Natural Resources ("ODNR") is authorized to finance capital improvements for state and local parks and recreation areas and to preserve Ohio's natural areas and habitats; and further to make grants and assist local governments with capital improvements projects related to natural resources; and

WHEREAS, the City of Strongsville would like to renovate the locker rooms at the Ehrnfelt Recreation Center as part of an ongoing capital improvement project at said public facility (the 'Project'); and

WHEREAS, the City of Strongsville has applied to the ODNR for financial assistance in connection with such Project; and

WHEREAS, pursuant to Senate Bill No. 310, the 131<sup>st</sup> General Assembly of the State of Ohio has appropriated funds in the amount of \$200,000.00 for the City of Strongsville for the completion of a capital improvement community recreation project at the Ehrnfelt Recreation Center; and

WHEREAS, the Council and City Administration are desirous of accepting such Capital Improvement Project Grant funds from the ODNR in order to assist the City with the renovation of the locker rooms at the Ehrnfelt Recreation Center.

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 be and is hereby authorized and directed to apply for and accept funds in the amount of \$200,000.00 from the Ohio Department of Natural Resources to assist the City of Strongsville in the renovation of the locker rooms at the Ehrnfelt Recreation Center; and to further provide, execute and deliver any and all documents, including a "Pass Through Grant Agreement," and such other information as may be required in connection therewith.



**Section 2.** That the Mayor, the Director of Finance, Director of Recreation & Senior Services and/or their designees be and are hereby authorized to do all things necessary to perform the terms and conditions required by the Ohio Department of Natural Resources for such Parks and Recreation Funds, in accordance with their respective responsibilities thereunder.

**Section 3.** That the funds required to meet the City's obligation, if any, under this Agreement will be appropriated and paid from the Recreation Capital Improvement 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 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 apply for and accept such funding in order to commence the renovation of the locker rooms at the Ehrnfelt Recreation Center in a timely manner, to complete the ongoing capital improvement project at the Ehrnfelt Recreation Center, 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.

\_\_\_\_\_  
 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. 2016-169 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 170

By: Mayor Perciak and Mr. Short

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2016-061 AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE AND INSTALLATION OF VARIOUS FITNESS EQUIPMENT FOR USE BY THE RECREATION DEPARTMENT OF THE CITY, IN ORDER TO PURCHASE ADDITIONAL EQUIPMENT TO REPLACE OBSOLETE FITNESS MACHINES, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2016-061, passed March 21, 2016, this Council authorized the Mayor to request authority in the name of the City of Strongsville to participate in an Ohio Department of Administrative Services contract with Star Trac, through their authorized dealer, S & K Design Fitness, for the purchase and installation of Stairmaster equipment, spinning bikes and barbell equipment, in a total amount not to exceed \$36,765.00; and

WHEREAS, in order to further replace obsolete fitness equipment, the City's Recreation Department has requested that two (2) Nautilus machines be purchased and installed, which were not included in the original purchase price for equipment; and

WHEREAS, the cost of such additional equipment is \$7,424.00, as reflected on the invoice attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Council and the Administration, therefore, desire to proceed with the additional purchase of two (2) Nautilus machines, and to amend Ordinance No. 2016-061 to increase the amount authorized for the purchase and installation of the equipment from \$36,765.00 to \$44,189.00.

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

**Section 1.** That Section 1 of Ordinance No. 2016-061 be and is hereby amended to read in its entirety as follows:

**“Section 1.** That the Mayor be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in the Ohio Department of Administrative Services contract, which the Department has entered into pursuant to Revised Code Section 5513.01(B) with **STAR TRAC**, through the authorized dealer, **S & K DESIGN FITNESS**, for the purchase and installation of various Stairmaster equipment, spinning bikes, ~~and~~ barbell equipment **and Nautilus machines**, for use by the Recreation Department of the City in

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2016 – 170**  
**Page 2**

the amount of ~~\$36,765.00~~**\$44,189.00**, as set forth on the proposal attached hereto as Exhibit "A," and incorporated herein by reference."

**Section 2.** That the Director of Finance be and is hereby authorized and directed to pay to **S & K DESIGN FITNESS**, the additional sum of \$7,424.00 for the purchase and installation of the additional equipment.

**Section 3.** That the funds necessary for the purpose of said additional equipment have been appropriated and shall be paid from the Recreation Capital Improvement 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 increase the amount authorized to be expended for the purchase of the various additional equipment in order to replace obsolete fitness equipment for the safety of the patrons and invitees at the City's Recreation Center, 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. 2016-170 Amended: \_\_\_\_\_  
 1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



# designFITNESS

equipment | sales | service  
 P.O. Box 398  
 Lewis Center, OH 43035  
 740-548-7033 - office  
 740-548-7044 - fax

# Fitness Equipment Invoice

Invoice Date
5/2/2016

Invoice Number
6592

www.designfitness.net

**Bill To:**

Strongsville Recreation Center  
 Ned Hamad  
 18100 Royalton Rd.  
 Strongsville, OH 44136

**Ship To:**

Strongsville Recreation Center  
 Ned Hamad  
 18100 Royalton Rd.  
 Strongsville, OH 44136

Purchase Order Number
27670-00

Sales Representative
KE

Product Number	Description	Qty	Price Each	Amount
S9PO Freight	Nautilus Nitro EVO Pullover Freight, Setup & Installation	2	3,312.00 800.00	6,624.00T 800.00T
	<p>***NOTES***</p> <p>Machine 1                      Frame Color: Silver                      Uph Color: Slate</p> <p>Machine 2                      Frame Color: Black                      Uph Color: Black</p> <p>WARRANTY: Limited 10 year warranty on structural frame not including coatings,                      5 years part on major mechanical components – guide rods, plates, bearings etc,                      1 year on minor mechanical components – plate switches, cables, grips etc., 90 days on upholstery, 1 year labor</p>			

*Buyer V. Bogie*  
 PO 27567  
 413 000-5579  
 V 6045  
 8/2/16

Terms
Net 15 After Delivery

*Thank you for your business!!!*

Subtotal	\$7,424.00
Sales Tax (0.0%)	\$0.00
Total	\$7,424.00
Payments	\$0.00
Balance Due	\$7,424.00

**EXHIBIT A**



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 171

By: Mayor Perciak and Mr. Short

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR REMOVAL AND REPLACEMENT OF THE EXISTING FLOORING IN THE WEIGHT ROOMS AT THE CITY OF STRONGSVILLE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Resolution No. 2016-124, the City advertised and received bids for removal and replacement of approximately 4,800 square feet of flooring in the weight rooms at the Walter F. Ehrnfelt Recreation & Senior Center; and

WHEREAS, Council is desirous of proceeding to award and enter into a contract for such project.

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

**Section 1.** That this Council hereby finds and determines that the bid submitted by **SOF SURFACES, INC.** for removal and replacement of approximately 4,800 square feet of flooring in the weight rooms at the Walter F. Ehrnfelt Recreation & Senior Center, meets the specifications on file in the office of the Building Commissioner; is in compliance with the applicable requirements for bids and contracts established by the laws of the City and the State; and is the lowest and best bid for the proposed contract. All other bids for this contract are hereby rejected.

**Section 2.** That the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder in the amount of \$47,905.20 for removal and replacement of the existing flooring in the weight rooms at the Walter F. Ehrnfelt Recreation & Senior Center, and in a form approved by the Law Director.

**Section 3.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Recreation Capital Improvement 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.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 - 171

Page 2

**Section 5.** 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 authorize execution of said contract in order to make necessary repairs to the existing flooring in the weight rooms for the safety of the guests and invitees to the City's Recreation Center, 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.

\_\_\_\_\_  
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. 2016-171 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 172

By: Mayor Perciak and All Members of Council

**AN ORDINANCE RATIFYING, APPROVING AND AUTHORIZING THE MAYOR AND DIRECTOR OF RECREATION & SENIOR SERVICES TO SUBMIT A PROPOSAL TO RECEIVE FUNDING FROM THE CUYAHOGA COUNTY DEPARTMENT OF SENIOR & ADULT SERVICES THROUGH ITS COMMUNITY SOCIAL SERVICES PROGRAM, IN CONNECTION WITH VARIOUS CITY SENIOR PROGRAMS, FUNCTIONS, AND TRANSPORTATION FOR 2017 AND 2018; AUTHORIZING EXECUTION OF ANY REQUIRED AGREEMENT AND DOCUMENTS RELATED THERETO; AND DECLARING AN EMERGENCY.**

WHEREAS, this Council, through Ordinance No. 2015-247 authorized the Mayor and Director of Recreation & Senior Services to submit a proposal and receive funding from the Cuyahoga County Department of Senior & Adult Services in order to provide senior developmental activities for its senior members; and

WHEREAS, Cuyahoga County has once again issued a Request for Proposal (RFP #37121) on behalf of its Division of Senior & Adult Services, soliciting proposals from agencies and organizations interested in providing 2017/2018 Community Social Services Programs (adult development and transportation services) to Cuyahoga County; and

WHEREAS, the City of Strongsville's Department of Senior Services regularly offers and provides such services to its senior members; and

WHEREAS, the County's Community Social Services Program would provide reimbursements to the City for certain adult development activities now offered free to Strongsville Senior Center members relating to adult development and transportation trips for total funds not to exceed \$100,000.00 for each year, for a total of \$200,000.00; and

WHEREAS, the City's Department of Senior Services has a need to provide and fund such senior developmental activities for its senior members; and

WHEREAS, the Council and City Administration, therefore, are desirous of submitting a proposal to Cuyahoga County in order to participate in funding for the above senior adult developmental activities for the City's Senior Center.

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



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2016 – 172**

**Page 2**

**Section 1.** That this Council hereby ratifies and approves that the Mayor and Director of Recreation & Senior Services be and are hereby authorized and directed to submit a proposal for and accept funds not to exceed the amount of \$100,000.00 for each of 2017 and 2018 from the Cuyahoga County Division of Senior & Adult Services through its Community Social Services Program, to assist the City of Strongsville's senior adult developmental programs, including adult development and transportation, as more fully set forth in the Request for Proposal on file with the City's Director of Recreation & Senior Services; and further authorizing the Mayor to execute any required Agreement, and to further provide, execute and deliver such other information as may be required in connection therewith.

**Section 2.** That the Mayor, the Director of Finance, Director of Recreation & Senior Services and/or their designees be and are hereby authorized to do any and all other things necessary to perform the terms and conditions required by Cuyahoga County in this regard and in accordance with their respective responsibilities thereunder.

**Section 3.** That any funds required to meet the City's obligation, if any, under this Ordinance and the Request for Proposal will be appropriated and paid from the Multi-Purpose Complex 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 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 submit a proposal and be awarded such funding in order to continue and enhance the senior adult-related programs of the City's Department of Senior Services, 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.

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

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

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2016 – 172  
Page 2

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

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

ORD. No. 2016-172 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 173

By: Mayor Perciak and All Members of Council

**AN ORDINANCE APPROVING AND ADOPTING MID-YEAR REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.**

WHEREAS, in order to conform with the changes adopted by the Ohio General Assembly and with current State law as required by the Ohio Constitution, it is necessary for the City to amend certain provisions within its Traffic and General Offenses Codes; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since January 19, 2016 and through July 18, 2016, which now should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish the aforesaid amendments and revisions on a semi-annual basis.

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

**Section 1.** That the additions and amendments to the Traffic Code and the General Offenses Code of the Codified Ordinances of the City of Strongsville, as prepared by the Walter H. Drane Company in order to comply with current State law, be and are hereby approved and adopted; and the ordinances of Strongsville of a general and permanent nature, as revised, re-codified, rearranged and consolidated into component codes, titles, chapters and sections within the mid-year 2016 replacement pages to the Codified Ordinances be and are hereby approved and adopted, all as set forth in Exhibit A attached hereto and incorporated herein by reference.

**Section 2.** That any other ordinances or resolutions or parts thereof in conflict with any of the above Ordinances shall, to the extent of any conflict, be and are hereby repealed.

**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.



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 - 173

Page 2

**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 there exists an imperative necessity for the earliest publication and distribution of the aforesaid amendments to the Codified Ordinances to the officials and residents of the City, so as to facilitate the administration and daily operation of the City and its departments, and to avoid practical and legal entanglements. 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. 2016-173 Amended: \_\_\_\_\_

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

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

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

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

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

## EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2016-025	5-16-16	1240.08, 1262.04, 1262.05
2016-070	3-21-16	1454.01 to 1454.10, 1454.99
2016-092	4-18-16	296.09
2016-101	6-6-16	618.12
2016-104	5-16-16	806.03, 806.04
2016-113	5-16-16	1420.01, 1420.02, 1420.04
2016-135	7-5-16	252.01
2016-148	7-18-16	1480.02

### Traffic Code

436.021 Ohio Driver's License Required for In State Residents. (Added)

### General Offenses Code

612.01 Liquor Control Definitions. (Amended)  
612.07 Open Container Prohibited. (Amended)  
636.041 Menacing by Stalking. (Amended)  
636.155 Telecommunications Harassment. (Amended)

### Fire Prevention Code

1619.04 Fireworks Possession, Sale or Discharge Prohibited. (Amended)

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 174

By: Mayor Perciak and All Members of Council

**A RESOLUTION DECLARING AND IMPOSING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF APPROVALS, LICENSES AND/OR PERMITS FOR BUILDING CONSTRUCTION OR RECONSTRUCTION, LAND OR BUILDING USE, OR OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE APPROPRIATE CODES RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY.**

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law, 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations dealing with or limiting the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, the City's Administration, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the City in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades.



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

**Section 1.** That Council hereby imposes a moratorium on the acceptance of any applications and the granting of building permits or certificates of occupancy, or approval of site plans for any building, structure, use or change of use that would enable the cultivation, processing or wholesale or retail sale of medical marijuana for a period not to exceed six (6) months from the effective date of this Resolution, in order to allow the City Administration, Council and the Planning Commission to review applicable Ohio statutes, criminal codes and the Strongsville Zoning and Building Codes relative to such uses.

**Section 2.** That for the purpose of this Resolution, “medical marijuana” shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

**Section 3.** That no applications shall be accepted and building permits, certificates of occupancy, approval of site plans, or approval of any other permits shall be granted to anyone who intends to open, use any land or devote any floor area of a property for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No existing property or use in the City may expand in any way that would establish cultivation, processing, or wholesale or retail sale of medical marijuana for the duration of the moratorium.

**Section 4.** That the moratorium shall be in effect for a period of six (6) months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Strongsville, to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

**Section 5.** 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 actions were in meetings open to the public, in compliance with all legal requirements.

**Section 6.** 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 in order to afford the City a sufficient period of time to properly research and address the issues associated with passage of 131 Sub. H.B. 523, and medical marijuana. 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.

CITY OF STRONGSVILLE, OHIO  
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\_\_\_\_\_  
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. 2016-174 Amended: \_\_\_\_\_

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

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

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

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

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