

## 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)

November 2, 2017

### 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  
At-Large

Duke Southworth  
At-Large

Aimee Pientka, MMC  
Clerk of Council

Tiffany Mekeel, CMC  
Assistant Clerk of Council

### MEETING NOTICE

City Council has scheduled the following meetings for **Monday, November 6, 2017**, 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.**

**Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2017-122, 2017-123, 2017-139, 2017-140, 2017-179, 2017-180, 2017-181 and 2017-182.

**Public Safety and Health Committee** will meet to discuss Ordinance Nos. 2017-183 and 2017-184.

**Public Service and Conservation Committee** will meet to discuss Ordinance Nos. 2017-185 and 2017-186.

**Recreation and Community Services Committee** will meet to discuss Ordinance No. 2017-187.

**Communications and Technology Committee** will meet to discuss Ordinance No. 2017-188.

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

**Committee of the Whole** will meet to discuss Ordinance Nos. 2017-189, 2017-190 and 2017-191. The committee will then consider a motion to adjourn into **Executive Session** with the Law Director and other members of the Administration for the purpose of discussing legal matters.

**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**

**MONDAY, NOVEMBER 6, 2017 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 – October 16, 2017*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
  - *Certificates of Recognition presented to Malcolm Campbell, Paul Knapik, Kyle Lesiw and Sean Patrick Nugent; goalies for the Strongsville Youth Hockey League, for their participation in the "October Saves Goalie Challenge."*
7. PUBLIC HEARING:
  - Ordinance No. 2017-122 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 14092 PEARL ROAD, IN THE CITY OF STRONGSVILLE, FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 393-18-014), AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-17-17. Tabled by Planning Commission 07-27-17. Unfavorable recommendation by Planning Commission 09-07-17. Second reading 09-18-17. Public hearing 11-06-17.*
  - Ordinance No. 2017-139 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 840 "MEDICAL MARIJUANA" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AMENDING CHAPTER 1242 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, TO ESTABLISH A NEW SECTION 1242.14 CONCERNING THE REGULATION OF MEDICAL MARIJUANA IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09-05-17. Favorable recommendation by the Planning Commission 09-07-17. Second reading 09-18-17. Public hearing 11-06-17.*

- Ordinance No. 2017-140 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1258.03 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 THE STORAGE, DISPLAY AND SALE OF VEHICLES IN A GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09-05-17. Favorable recommendation by the Planning Commission 09-07-17. Second reading 09-18-17. Public hearing 11-06-17.*

8. REPORTS OF COUNCIL COMMITTEE:

- SCHOOL BOARD – Mr. Dooner:
- SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Carbone:
- BUILDING AND UTILITIES – Mr. Schonhut:
- COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:
- ECONOMIC DEVELOPMENT– Mr. Daymut:
- FINANCE – Mr. Short:
- PLANNING, ZONING AND ENGINEERING – Mr. Daymut:
- PUBLIC SAFETY AND HEALTH – Mr. DeMio:
- PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:
- *Motion to note and approve the owner's designation of wishes for interments in the Strongsville Municipal Cemetery, Section E, Lot #75., Grave G.*
- *Motion to ratify, note and approve the burial of Mary Vaezey, in Section E, Lot #98, Grave G; based on the owner's designation of wishes for interments in the Strongsville Municipal Cemetery.*
- *Motion to note and approve the owner's designation of wishes for interments in the Strongsville Municipal Cemetery, Section D, Lot #21, Graves D & F.*
- RECREATION AND COMMUNITY SERVICES – Mr. Southworth:
- COMMITTEE-OF-THE-WHOLE – Mr. Dooner:

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

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

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2017-123 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 14356 PEARL ROAD (PPN 393-19-033) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY. First reading and referred to Planning Commission 07-17-17. Favorable recommendation by Planning Commission 07-27-17. Second reading 09-05-17. Public hearing 10-16-17.
- Ordinance No. 2017-139 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 840 "MEDICAL MARIJUANA" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AMENDING CHAPTER 1242 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, TO ESTABLISH A NEW SECTION 1242.14 CONCERNING THE REGULATION OF MEDICAL MARIJUANA IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09-05-17. Favorable recommendation by the Planning Commission 09-07-17. Second reading 09-18-17. Public hearing 11-06-17.*
- Ordinance No. 2017-179 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND DIGIOIA-SUBURBAN EXCAVATING, LLC, IN CONNECTION WITH THE WALNUT DRIVE DETENTION BASIN PROJECT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-180 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 2 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING COMPANY, INC., IN CONNECTION WITH THE FAWN MEADOW LANE AND IVYWOOD COURT WATERLINE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-181 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING COMPANY, INC., IN CONNECTION WITH THE CHERRY STONE DRAINAGE PROJECT, AND DECLARING AN EMERGENCY.



- Ordinance No. 2017-182 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING IN CONNECTION WITH THE CUY-STRONGSVILLE TLCI PROJECT AT PEARL ROAD AND ROYALTON ROAD WITHIN THE TOWN CENTER DISTRICT IN THE CITY OF STRONGSVILLE [ODOT PID NO. 106723], AGREEMENT NO. 31394], AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-183 by Mr. DeMio. AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR'S ENTERING INTO A CONTRACT WITH UNIVERSITY HOSPITALS OF CLEVELAND IN CONNECTION WITH A CUYAHOGA COUNTY OVI TASK FORCE GRANT AWARD RECEIVED FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR 2018, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-184 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AMENDING CHAPTER 1601, FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-185 by Mayor Perciak and Mr. Carbone. AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 2017-084 CONCERNING THE APPROPRIATION AND TRANSFER OF FUNDS IN CONNECTION WITH THE PURCHASE OF FOUR (4) WESTERN STAR 4700SF TANDEM AXLE CAB AND CHASSIS UNITS, AND FIVE (5) WESTERN STAR 4700SB SINGLE AXLE CAB AND CHASSIS UNITS, FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-186 by Mr. Carbone. AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN OBSOLETE AND SURPLUS VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-187 by Mayor Perciak and All Members of Council. AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND DIRECTOR OF RECREATION & SENIOR SERVICES TO ACCEPT ADDITIONAL FUNDING FROM THE CUYAHOGA COUNTY DIVISION OF SENIOR AND ADULT SERVICES THROUGH ITS COMMUNITY SOCIAL SERVICES PROGRAM, IN CONNECTION WITH VARIOUS CITY SENIOR PROGRAMS, FUNCTIONS, AND TRANSPORTATION FOR THE YEAR 2017; AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-188 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE SOUTHWEST REGIONAL COMMUNICATIONS NETWORK COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF EQUIPMENT, SUPPLIES, INSTALLATION, MAINTENANCE, REPAIRS AND OTHER SERVICES FOR THE GENERAL RADIO NEEDS OF THE CITY OF STRONGSVILLE DURING 2017, AND DECLARING AN EMERGENCY.

- Ordinance No. 2017-189 by Mayor Perciak and All Members of Council. AN ORDINANCE REPEALING ORDINANCE NO. 2015-235, WHICH DECLARED IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBED THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRED THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHED A BREW KETTLE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
  - Ordinance No. 2017-190 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A PEARL ROAD IV MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
  - Ordinance No. 2017-191 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A SCANNELL PROPERTIES MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
12. COMMUNICATIONS, PETITIONS AND CLAIMS:
13. MISCELLANEOUS BUSINESS:
14. ADJOURNMENT:

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 122**

**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 14092 PEARL ROAD, IN THE CITY OF STRONGSVILLE, FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 393-18-014), 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 14092 Pearl Road, in the City of Strongsville, from GB (General Business) classification to MS (Motorist Service) classification (PPN 393-18-014), 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 classification 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 further to afford the applicant an opportunity to submit plans to facilitate economic development within the City, and to assure proper development of all lots and land within the City. 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.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 - 122  
Page 2

First reading: July 17, 2017

Second reading: September 18, 2017

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

Public Hearing: November 4, 2017

Referred to Planning Commission

July 18, 2017  
Stalled by Planning Comm. July 23, 2017  
Unfavorable recommendation by  
Approved: Planning Commission  
September 7, 2017

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

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

Mayor

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

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

Yea

Nay

Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: \_\_\_\_\_

Clerk of Council

ORD. No. 2017-122 Amended: \_\_\_\_\_

1st Rdg. 07-17-17 Ref: PC/P2E

2nd Rdg. 09-18-17 Ref: P2E

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

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

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

**Exhibit A**  
**Legal Description**

**Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being Consolidated Parcel "S-1" on the Map of Lot Split and Consolidated, of part of Original Strongsville Township Lot No. 56, as shown in Volume 352 of Maps, Page 60 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.**

**Parcel No: 393-18-014 & 015**



DATE	REVISIONS
7/02/07	UPDATE

Plot 18.24  
RECEIVED FOR RECORD  
Recorded in Cuyahoga  
County Records  
On 7/20/07  
A 11:30 A.M.  
File # 200707200200  
Vol. 353 Pg. 60  
COUNTY RECORDER  
PATRICK J. O'WALLEY

**APPROVALS**  
THIS LOT SPLIT AND CONSOLIDATION IS HEREBY APPROVED  
BY THE PLANNING COMMISSION OF THE CITY OF  
STRONGSVILLE, OHIO THIS 20th DAY OF July  
2007  
Jeffrey H. de la Regenera  
City Engineer

**ACCEPTANCE**  
WE, THE UNDERSIGNED, S&B STRONGSVILLE LLC, OWNERS OF  
THE LAND SHOWN HEREON, DO HEREBY ACCEPT THIS LOT  
SPLIT AND CONSOLIDATION AND ACKNOWLEDGE THAT THE SAME  
WAS PREPARED AT OUR REQUEST.  
S&B STRONGSVILLE LLC  
BY Emmanuel Daniel  
WITNESS  
TITLE Secretary-Treasurer  
WITNESS  
STATE OF OHIO } SS  
COUNTY OF CUYAHOGA

THIS LOT SPLIT AND CONSOLIDATION IS HEREBY APPROVED  
BY THE ENGINEER OF THE CITY OF STRONGSVILLE, OHIO THIS  
20th DAY OF July  
2007  
Steve M. Dally  
ENGINEER

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY  
AND STATE, WHO EXECUTED THE FOREGOING INSTRUMENT IN  
PERSONALLY APPEARING Emmanuel Daniel THE  
BEHOLDERS, S&B STRONGSVILLE LLC, AND WHO, THIS FREE ACT  
AND DEED, AND AS SUCH AUTHORIZED REPRESENTATIVE, THE  
FREE ACT AND DEED OF S&B STRONGSVILLE LLC.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND  
OFFICIAL SEAL AT Strongsville OHIO  
THIS 20th DAY OF July  
2007  
Emmanuel Daniel  
NOTARY PUBLIC

**FRANK RUSSO, COUNTY AUDITOR**  
APPROVED OWNERSHIP, ONLY, OF  
PERM. PARCEL NO.  
393-18-014, 015, 033  
BY Frank Russo  
Deputy Auditor

EMANUEL DANIEL  
Notary Public for Cuyahoga County  
My Commission Expires 2010-08-08

**MAP OF LOT SPLIT AND CONSOLIDATION  
MADE FOR AND AT THE INSTANCE OF  
S & B STRONGSVILLE LLC AND THE  
STATE OF OHIO**  
BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP  
LOT 56.  
NOW IN THE CITY OF STRONGSVILLE  
CUYAHOGA COUNTY, OHIO

DISTANCES ARE GIVEN IN FEET AND  
DECIMAL PARTS. THEREFORE, BEARINGS ARE  
RECORDED IN AN ASSIGNED MANNER  
AND ARE USED TO INDICATE ANGLES ONLY.

IT IS THE INTENT OF THIS PLAT TO ALLOW FOR THE TRANSFER  
BY DEED OF SPLIT PARCEL "1" FROM THE STATE OF OHIO TO S  
& B STRONGSVILLE LLC FOR CONSOLIDATION WITH THEIR  
EXISTING PARCEL "5" TO FORM CONSOLIDATED PARCEL "5-1"  
AS SHOWN HEREON.

KENNETH L. BOHNING  
REGISTERED SURVEYOR NO. 6720  
DATE 7/2/07

ROBERT KLAIBER P.E., P.S.  
This Survey Plat complies with Cuyahoga County  
Conveyance Standards and is hereby approved.  
Plat Vol. 353 Pg. 60  
T.M. 11/20/07 Date 7/2/07

**SURVEY REFERENCES:**  
① ALTA SURVEY OF SUBJECT S & B STRONGSVILLE  
PARCEL BY ZARNEC SURVEYING CO. DATED 1/1/00  
② STRONGSVILLE SAVINGS BANK ASSEMBLY PLAT  
BY REITZ ENGINEERING CO. DATED MAY, 1994.

**NOTES:**  
1. "R. PIN SET" INDICATES 5/8" DIAMETER BY 30" LONG  
REBAR WITH IDENTIFICATION "D.G. BOHNING ASSOC."

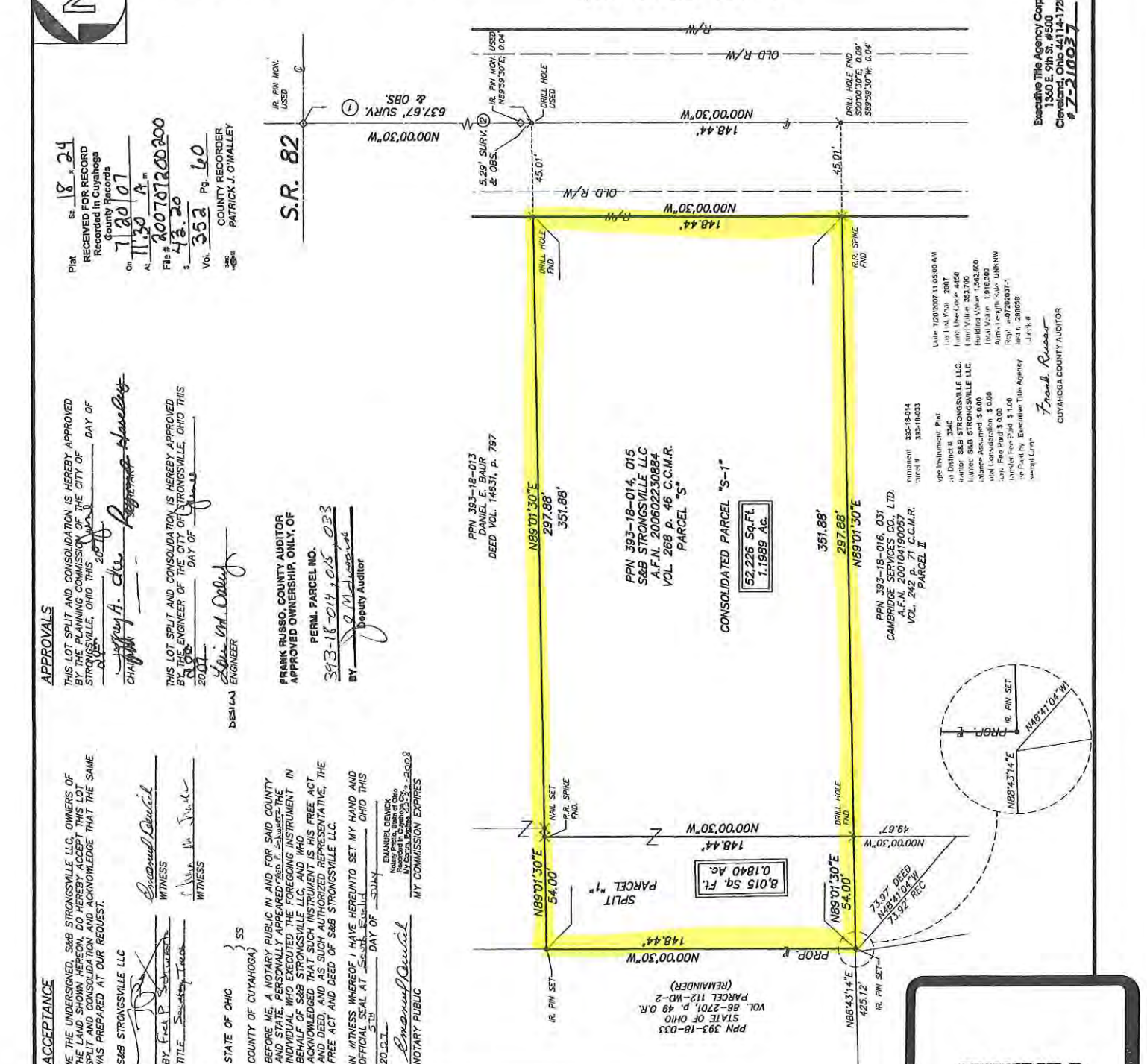
PEARL ROAD 90'

PEARL ROAD 90'

PEARL ROAD 90'

PEARL ROAD 90'

PEARL ROAD 90'



Executive Title Agency Corp  
1560 E. 9th St. #500  
Cleveland, Ohio 44114-1728  
# 7-32037

Frank Russo  
CUYAHOGA COUNTY AUDITOR

**DONALD G. BOHNING & ASSOCIATES, INC.**  
CIVIL ENGINEERING & SURVEYING  
7979 AUB PARKWAY • VALLEY VIEW, OHIO 44125  
PHONE: (216) 642-1130 FAX: (216) 642-1132

DATE	OCT. 2006
FILE NO.	373600LSC
ORDER NO.	3736

PETITION FOR ZONING CHANGE

Ordinance Number: 2017-122

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 GB use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: to allow Ganley Buick GMC to expand onto this parcel as a retail automobile dealership sales facility.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: it will expand the footprint of Ganley Buick GMC and it is expected that the vacant building will be razed and the lot to improved with appropriate landscaping, lighting, asphalt, etc.

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

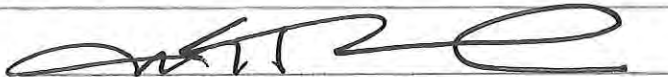
THE PROPOSED USE OF THE PROPERTY IS: additional retail automobile sales, including new and used vehicle storage and customer and employee parking.

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

Name: Joseph Fornal, Treasurer & CFO

Address: 8748 Brecksville Road, Brecksville, Ohio 44141

Telephone Number: 440-584-8202

  
Signature of Owner(s) TREASURER

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed in my presence this 14 day of JUNE, 2017



Notary Public

My commission expires: \_\_\_\_\_

**ANDREW STEVEN DEVER, Attorney**  
**NOTARY PUBLIC - STATE OF OHIO**  
My commission has no expiration date  
**Section 147.03 R.C.**

\* 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: 2017-122

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: 14052 Pearl Road, Strongsville, Ohio 44136

Permanent Parcel No.: 393-18-014

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl Road to the east

Number and type of buildings which now occupy property (if any): One. two-story brick office and adjoining single story retail space

Acreage: 1.198 acres

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy):

Said deed restrictions (will) (have) expire(d) on:

Said property is presently under lease or otherwise encumbered as follows: Mortgage held by Bank of America

Owner(s)	Percent of Ownership:
1. <u>Ganley Real Estate Co.</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

  
Signature of Owner(s) TREASURER

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed to in my presence this 14 day of JUNE, 2017.

  
Notary Public

My commission expires ANDREW STEVEN DEVER, Attorney  
**NOTARY PUBLIC - STATE OF OHIO**  
My commission has no expiration date  
**Section 147.03 R.C.**

\* 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**

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**TO:** Ken Mikula, City Engineer

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

**DATE:** June 26, 2017

**SUBJECT:** Rezoning Application  
Ganley Real Estate Co.; Owner  
PPN: 393-18-014  
Address: 14052 Pearl Road  
From General Business (GB) to Motor Services (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  
Neal Jamison, Law Director  
Daniel J. Kolick, Assistant Law Director  
George Smerigan, City Planner  
Brent Painter, Economic Development Director  
All Members of Council  
Carol Opera, Planning Commission Secretary

# City of Strongsville

## *Memorandum*

**To:** Neal Jamison, Law Director

**CC:** Mayor Perciak  
Ken Mikula, City Engineer  
Aimee Pientka  
George Smerigan, City Planner  
Brent Painter, Economic Development Director  
Dan Kolick, Assistant Law Director  
Carol Oprea, Planning Commission Secretary

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

**Date:** June 29, 2017

**Re:** Rezoning Application  
Ganley Real Estate Co.; Owner  
PPN 393-18-014  
From GB to MS

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Neal,

The legal description included in the Clerk of Council's June 26, 2017 memo regarding the above referenced application accurately depicts the parcel to be rezoned. Please include the attached highlighted map with the legislation.

There is a discrepancy with the address. The applicant lists 14052 Pearl Road as the address, which is consistent with the Cuyahoga County Auditor's website. However, the physical address of the building is 14092 Pearl Road.

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:** July 18, 2017

**SUBJECT:** Referral from Council: Ordinance No. 2017-122

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At its regular meeting of July 17, 2017, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-122 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 14092 PEARL ROAD, IN THE CITY OF STRONGSVILLE, FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 393-18-014), 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:** July 28, 2017

---

Please be advised that at its meeting of July 27, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**ALTENHEIM REHAB & MEMORY CARE/ Brandon Rouhier, Agent**

Site Plan approval of two parking lot additions for property located at 18627 Shurmer Road, PPN 397-01-092 zoned SR-1 and Public Facility.

**ORDINANCE NO. 2017-123:**

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 property located at 14356 Pearl Road (PPN 393-19-033) in the City of Strongsville from GB (General Business) Classification to R-RS (Restaurant-Recreational Services) Classification and Declaring an Emergency.

Also at that meeting the Strongsville Planning Commission Tabled the following;

**ORDINANCE NO. 2017-111:**

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 property located at 17800 Royalton Road (A portion of PPN 396-12-002) in the City of Strongsville, from OB (Office Building) Classification to GB (General Business) Classification.

**ORDINANCE NO. 2017-122:**

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 property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency.



## MEMORANDUM

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

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

**SUBJECT:** Referrals to Council

**DATE:** September 8, 2017

---

Please be advised that at its meeting of September 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2017- 139**

An Ordinance Enacting a New Chapter 840 "MEDICAL MARIJUANA" of Title Two of Part Eight-Business Regulations and Taxation Code of the Codified Ordinances of the City of Strongsville; Amending Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code, to establish a New Section 1242.14 concerning the Regulations of Medical Marijuana in the City of Strongsville and Declaring an Emergency.

### **ORDINANCE NO 2017 - 140**

An Ordinance Amending Section 1258.03 of Title Six of part Twelve-Planning and Zoning Coe of the Codified Ordinances of the City of Strongsville in order to Establish Regulations for the Storage, display and Sale of Vehicles in a General Business District, and Declaring an Emergency.

Also at that meeting the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

### **ORDINANCE NO. 2017-122:**

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 property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency.

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 123**

**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 14356 PEARL ROAD (PPN 393-19-033) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, 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 14356 Pearl Road (PPN 393-19-033), in the City of Strongsville, from GB (General Business) classification to R-RS (Restaurant-Recreational Services) classification, 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 zoning change in classification 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 enhance economic development within the City, 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.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 - 123  
Page 2

First reading: July 17, 2017

Referred to Planning Commission

Second reading: September 5, 2017

July 18, 2017

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

Favorable recommendation by PC  
Approved: July 27, 2017

Public Hearing: October 16, 2017

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

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

Mayor

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

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

Yea

Nay

Carbone

\_\_\_\_\_

\_\_\_\_\_

Daymut

\_\_\_\_\_

\_\_\_\_\_

DeMio

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\_\_\_\_\_

Dooner

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Schonhut

\_\_\_\_\_

\_\_\_\_\_

Short

\_\_\_\_\_

\_\_\_\_\_

Southworth

\_\_\_\_\_

\_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

ORD. No. 2017-123

Amended: \_\_\_\_\_

1st Rdg. 07-17-17

Ref: PC/PZE

2nd Rdg. 09-05-17

Ref: PZE

3rd Rdg. \_\_\_\_\_

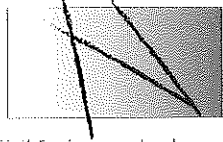
Ref: \_\_\_\_\_

Pub Hrg. 10-16-17

Ref: \_\_\_\_\_

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

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



**NEFF**  
& ASSOCIATES

Civil Engineers + Landscape Architects + Planners + Surveyors

Legal Description  
Re-Zoning Parcel  
July 6, 2017  
File No. 14100-001-LD001  
Page 1 of 2

Situated in City of Strongsville, County of Cuyahoga and State of Ohio and known as being Parcel No. 1 in the Lot Consolidation made for Corner 14400 Group, LLC of part of Original Strongsville Township Lot No. 56 as shown by the recorded plat in Volume 358 of Maps, Page 6 of Cuyahoga County Records and is further bounded and described as follows:

Beginning (P.O.B.) at the intersection of the centerline of Pearl Road (State Route 42) (Width Varies) and the centerline of Pierce Drive (60 Feet Wide);

Thence South 89°01'40" West, along the centerline of said Pierce Drive, a distance of 64.17 feet;

Thence North 00°58'20" West, a distance of 30.00 feet to a capped 5/8" iron pin set on the Northerly right of way of said Pierce Drive and the principal place of beginning (P.P.O.B.);

- Course 1 Thence South 89°01'40" West, along the Northerly right of way for said Pierce Drive, a distance of 265.33 feet to a capped 5/8" iron pin set at the Southeasterly corner of a parcel of land conveyed to Kenneth J. & Donna M. Wright by deed recorded in Volume 85-51540, Page 28 of Cuyahoga County Deed Records;
- Course 2 Thence North 00°00'30" West, along the Easterly line of said Kenneth J. & Donna M. Wright parcel, a distance of 144.99 feet to the Southwesterly corner of a parcel of land conveyed to Ronald J. Mancini, Trustee by deed recorded in A.F.N. 199905170620 of Cuyahoga County Deed Records and witnessed by a 5/8" iron pin found South 0.19 feet, and East 0.19 feet;
- Course 3 Thence North 89°01'40" East, along the Southerly line of said Ronald J. Mancini, Trustee parcel, a distance of 285.00 feet to capped 5/8" iron pin set on the Westerly right of way for said Pearl Road;
- Course 4 Thence South 00°00'30" East, continuing along the Westerly right of way of said Pearl Road, a distance of 125.32 feet to a capped 5/8" iron pin set at the point of curvature of a roadway turn-out;



Legal Description  
Re-Zoning Parcel  
July 6, 2017  
File No. 14100-001-LD001  
Page 2 of 2

Course 5      Thence Southwesterly, by the arc of a roadway turn-out deflecting to the right, a distance of 31.08 feet, Said curve have a radius of 20.00 feet, a central angle of  $89^{\circ}02'10''$  and a chord which bears South  $44^{\circ}30'35''$  West, a distance of 28.05 feet to the principal place of beginning and containing 0.9466 Acre (41,233 Square Feet) of land as based on a survey prepared by Hofmann-Metzker, Inc., Dated September 29, 2008.

Be the same more or less, but subject to all legal highways and easements of record.



# ABBREVIATIONS

calc.	CALCULATED
C	CENTER LINE
C.D.R.	COUNTY DEED RECORD
C.P.R.	COUNTY PLAT RECORD
d.	DEED
EX	EXISTING
i.p.	IRON PIN
fd	FOUND
mon	MONUMENT
obs.	OBSERVED
P.O.B.	PLACE OF BEGINNING
P.P.O.B.	PRINCIPAL PLACE OF BEGINNING
R or P/L	PROPERTY LINE
PPN	PERMANENT PARCEL #
r.	RECORD
R/W	RIGHT OF WAY
u.	USED

PPN 393-19-026  
Kenneth J & Donna M Wright  
19102 Pierce Dr.



**NEFF & ASSOCIATES**  
Civil Engineers • Landscaping • Planning • Surveying  
6405 York Road | Parma Heights, OH 44130  
(216) 884-3704

**BASIS OF BEARING**  
The existing centerline of Pearl Rd.  
per Strongsville Heights Subd.  
N 00°00'30" W

**NOTE:**  
Survey Exhibit based on Boundary  
Survey prepared for this parcel by  
Hoffman-Metzker, Inc. for the  
Corner 14400 Group LLC and dated  
9/29/2008.

**GRAPHIC SCALE**  
0 15 30  
1 INCH = 30 FT.

Pearl Road (PPN 393-19-033)  
July 6, 2017 14100-100

Re-Zoning Application

EXHIBIT

EXHIBIT B



**PETITION FOR ZONING CHANGE**

Ordinance Number: 2017-123

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 GB use to a class R-RS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: Stand-alone restaurants are only permitted in R-RS districts. Many other parcels along Pearl Road are R-RS districts with stand-alone restaurants and surrounded by GB districts.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: \_\_\_\_\_

Pearl Road is a commercial corridor with many restaurants mixed with businesses. This

A restaurant would be compatible with the adjacent properties along Pearl Road.

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

1. Proposed site plan
2. \_\_\_\_\_
3. \_\_\_\_\_

**THE PROPOSED USE OF THE PROPERTY IS:** Restaurant with Drive-Thru

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

Name: TDM, LLC

Address: 20685 Stratford Circle Strongsville, Ohio 44149

Telephone Number: 419-306-4024

Mat W. Stoyanoff Member  
Signature of Owner(s)

State of Ohio           )  
County of Cuyahoga   )

Sworn to and subscribed in my presence this 29 day of June, 2017.

Lynn Millholland  
Notary Public Lynn Millholland  
My commission expires: 06.22.2019

\* 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: 2017-123

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: 14356 Pearl Road

Permanent Parcel No.: 393-19-033

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl Road to the east & Pierce Drive to the south

Number and type of buildings which now occupy property (if any): None

Acreage: 0.9466

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

Said deed restrictions (will) (have) expire(d) on: \_\_\_\_\_

Said property is presently under lease or otherwise encumbered as follows: None

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

Mark W. Stogoff Member  
Signature of Owner(s)

State of Ohio            )  
County of Cuyahoga    )

Sworn to and subscribed to in my presence this 29 day of June, 2017.



LYNN MILLHOLLAND  
NOTARY PUBLIC  
STATE OF OHIO  
COMM. EXPIRES  
06-22-2019  
RECORDED IN  
MEDINA COUNTY

Lynn Millholland  
Notary Public

My commission expires 06.22.2019

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.





### Legend

- Address Points
- Cuyahoga County Facility
- Point Parcels
- Right Of Way
- Platted Centerlines
- Parcels
- Municipalities



## 282 Feet

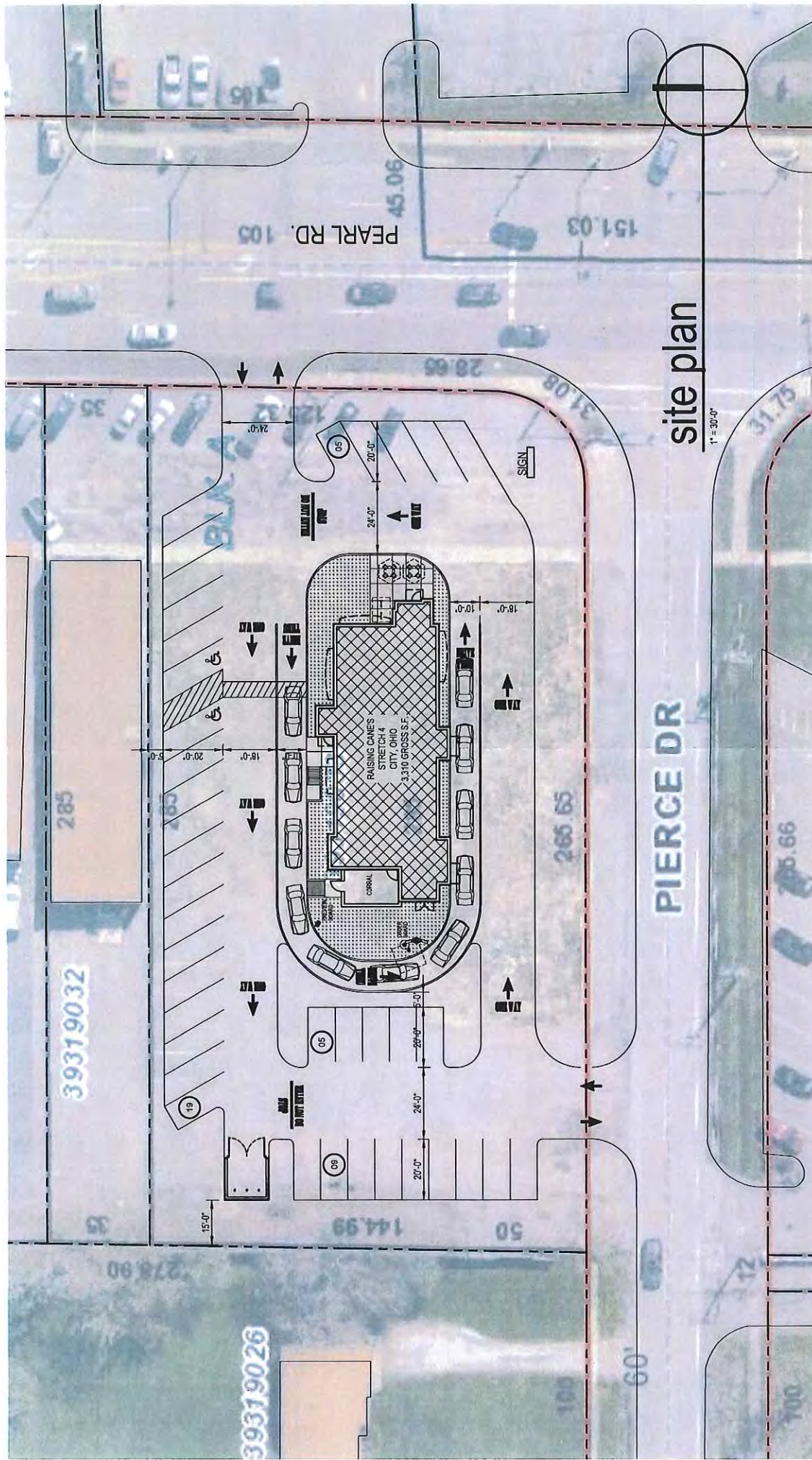
Projection:  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**CUYAHOGA COUNTY**  
**GIS** GEOGRAPHICAL  
INFORMATION  
SYSTEMS





STRONGSVILLE - RAISING CANE'S CHICKEN FINGERS

14356 pearl rd | strongsville, oh

prototype: 4 (stretch)  
acreage: 0.95  
stack spaces: 13  
parking spaces: 38

ma architects

06 26 2017  
site layout

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

**MEMORANDUM**

---

**TO:** Ken Mikula, City Engineer

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

**DATE:** July 3, 2017

**SUBJECT:** Rezoning Application  
TDM, LLC; Owner  
PPN: 393-19-033  
Address: 14356 Pearl Road  
From General Business (GB) to Restaurant Service (RS)

---

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  
Neal Jamison, Law Director  
Daniel J. Kolick, Assistant Law Director  
George Smerigan, City Planner  
Brent Painter, Economic Development Director  
All Members of Council  
Carol Opera, Planning Commission Secretary

# City of Strongsville

## *Memorandum*

**To:** Neal Jamison, Law Director

**CC:** Mayor Perciak  
Ken Mikula, City Engineer  
Aimee Pientka  
George Smerigan, City Planner  
Brent Painter, Economic Development Director  
Dan Kolick, Assistant Law Director  
Lori Daley, Design Engineer  
Carol Oprea, Planning Commission Secretary

**From:** Jamie Kilbane, Design Engineer

**Date:** July 6, 2017

**Re:** Rezoning Application  
TDM, LLC; Owner  
PPN: 393-19-033  
Address: 14356 Pearl Road  
From General Business (GB) to Restaurant Service (RS)

---

Neal,

The legal description dated July 6, 2017 by Neff and Associates provided in response to Clerk of Council's July 3, 2017 memo regarding the above referenced application accurately depicts the area to be rezoned.

Please feel free to contact me with any questions.

Thank you.



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

**MEMORANDUM**

---

**TO:** Planning Commission

**FROM:** Aimee Pientka, Clerk of Council

**DATE:** July 18, 2017

**SUBJECT:** Referral from Council: Ordinance No. 2017-123

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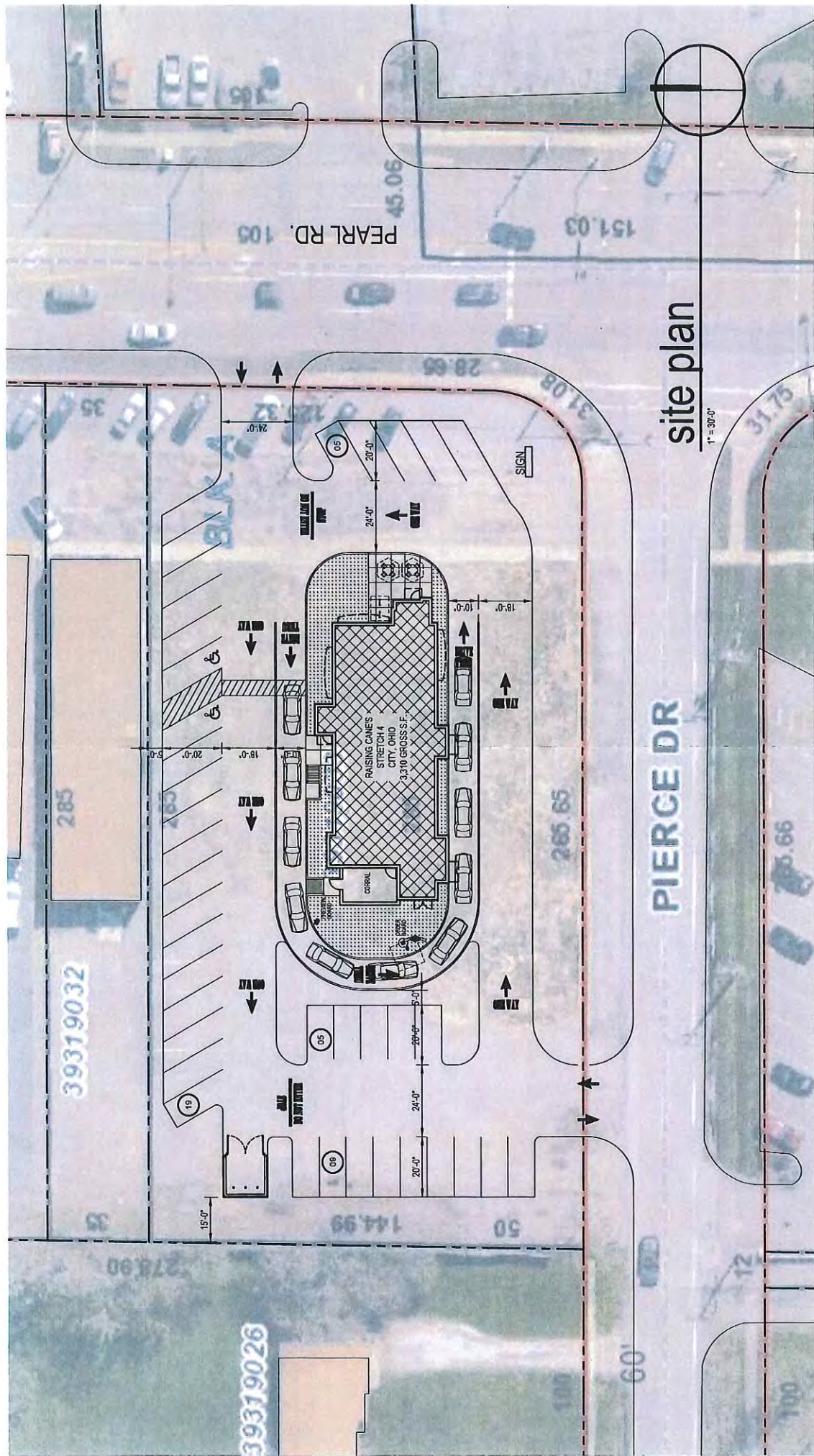
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At its regular meeting of July 17, 2017, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-123 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 14356 PEARL ROAD (PPN 393-19-033) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

AKP  
Attachment



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14356 pearl rd | strongsville, oh

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ma architects

08 26 2017 11:02 97 60



## MEMORANDUM

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

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

**SUBJECT:** Referrals to Council

**DATE:** July 28, 2017

---

Please be advised that at its meeting of July 27, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**ALTENHEIM REHAB & MEMORY CARE/ Brandon Rouhier, Agent**

Site Plan approval of two parking lot additions for property located at 18627 Shurmer Road, PPN 397-01-092 zoned SR-1 and Public Facility.

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Also at that meeting the Strongsville Planning Commission Tabled the following;

**ORDINANCE NO. 2017-111:**

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**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 139**

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

**AN ORDINANCE ENACTING A NEW CHAPTER 840 “MEDICAL MARIJUANA” OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AMENDING CHAPTER 1242 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, TO ESTABLISH A NEW SECTION 1242.14 CONCERNING THE REGULATION OF MEDICAL MARIJUANA IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, on June 8, 2016, the Ohio General Assembly adopted and the Governor signed into law, 131 Sub. H.B. 523, which became 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, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code (“ORC”), municipalities in the State of Ohio have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC Section 3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, H.B. 523 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, these state agencies have published certain proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2017 – 139**  
**Page 2**

patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations; and

WHEREAS, the City of Strongsville has studied these proposed rules; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under Federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, due to the above threats to public health, safety, and welfare, having reviewed the State's rules and Federal law's continued classification of marijuana (cannabis) as a Schedule I drug, the City of Strongsville determines that cultivation, processing, and retail dispensing of marijuana for medical purposes, or otherwise, shall not be a permitted use within this City.

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 enacts a new Chapter 840 Medical Marijuana, of Title Two of Part Eight-Business Regulation and Taxation Code of the Codified Ordinances of the City of Strongsville, to read in its entirety as follows:

**CHAPTER 840**  
**Medical Marijuana**

<b>840.01</b>	<b>Definitions.</b>
<b>840.02</b>	<b>Prohibitions.</b>
<b>840.03</b>	<b>Research permitted.</b>
<b>840.99</b>	<b>Penalty.</b>

**840.01 DEFINITIONS.**

(a) "Academic Medical Center" has the same meaning as in Section 4731.297 of the Ohio Revised Code.

(b) "Marijuana" has the same meaning as marijuana as defined in Section 3719.01 of the Ohio Revised Code.

(c) "Medical Marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(d) "State University" has the same meaning as in Section 3345.011 of the Ohio Revised Code.

**840.02 PROHIBITIONS.**

(a) No person or entity owning, renting, leasing, or having any interest whatsoever in real property located within the City of Strongsville shall develop, construct, reconstruct, remodel, adapt or use, or permit the use of, said real property for any of the following:

- (1) as a medical marijuana dispensary;
- (2) for the processing of medical marijuana;
- (3) for the indoor or outdoor cultivation of medical marijuana.

(b) No person or entity shall enter upon or occupy any public property, street, or right-of-way for any of the uses enumerated in Section 840.02(a).

**840.03 RESEARCH PERMITTED.**

Nothing in this Chapter shall be deemed to prohibit or limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

**840.99 PENALTY.**

(a) Whoever knowingly violates Section 840.02(a) is guilty of a misdemeanor of the first degree. Each day of violation shall be deemed to be a separate offense.

(b) Whoever knowingly violates Section 840.02(b) is guilty of a misdemeanor of the fourth degree. Each day of violation shall be deemed to be a separate offense.

**Section 2.** That new Section 1242.14 of Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Medical Marijuana Cultivation, Processing, or Retail Dispensing, be and is hereby enacted to read in its entirety as follows:

**CHAPTER 1242**  
**ADMINISTRATION, ENFORCEMENT AND PENALTY**

\* \* \*

**1242.14      CULTIVATION, PROCESSING, OR RETAIL DISPENSING  
OF MEDICAL MARIJUANA PROHIBITED IN ALL  
DISTRICTS.**

(a) The cultivation, processing, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Strongsville.

(b) Nothing in this Section shall be deemed to prohibit or limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(c) Use of property in violation of Section 1242.14(a) has been determined to be and shall constitute a nuisance *per se*.

(d) In addition to other penalties provided by law, including but not limited to those set out in this Chapter, the Law Department shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.

\* \* \*

**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 of 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. 2017 – 139  
Page 5

**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 address the issues associated with passage of 131 Sub. H.B. 523 regarding the regulation of medical marijuana. 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: September 5, 2017

Referred to Planning Commission

Second reading: September 18, 2017

September 6, 2017

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

Favorable Recommendation by PC  
Approved: September 7, 2017

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. 2017-139 Amended: \_\_\_\_\_  
1st Rdg. 09-05-17 Ref: PC/P2E  
2nd Rdg. 09-18-17 Ref: P2E  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



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

**MEMORANDUM**

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**TO:** Planning Commission

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

**DATE:** September 6, 2017

**SUBJECT:** Referral from Council: Ordinance Nos. 2017-139 & 2017-140

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At its regular meeting of September 5, 2017, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-139 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 840 "MEDICAL MARIJUANA" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AMENDING CHAPTER 1242 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, TO ESTABLISH A NEW SECTION 1242.14 CONCERNING THE REGULATION OF MEDICAL MARIJUANA IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-140 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1258.03 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 THE STORAGE, DISPLAY AND SALE OF VEHICLES IN A GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.

Copies of the ordinances are 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:** September 8, 2017

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Please be advised that at its meeting of September 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2017- 139**

An Ordinance Enacting a New Chapter 840 "MEDICAL MARIJUANA" of Title Two of Part Eight-Business Regulations and Taxation Code of the Codified Ordinances of the City of Strongsville; Amending Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code, to establish a New Section 1242.14 concerning the Regulations of Medical Marijuana in the City of Strongsville and Declaring an Emergency.

### **ORDINANCE NO 2017 - 140**

An Ordinance Amending Section 1258.03 of Title Six of part Twelve-Planning and Zoning Coe of the Codified Ordinances of the City of Strongsville in order to Establish Regulations for the Storage, display and Sale of Vehicles in a General Business District, and Declaring an Emergency.

Also at that meeting the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

### **ORDINANCE NO. 2017-122:**

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 property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 140

By: Mayor Perciak and Mr. Daymut

**AN ORDINANCE AMENDING SECTION 1258.03 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 THE STORAGE, DISPLAY AND SALE OF VEHICLES IN A GENERAL BUSINESS DISTRICT, 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 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 Buildings 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 Sections 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.
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.

G. Training/Amusement Facilities.

**(Ord. 2016-158. Passed 11-21-16; Ord. 2016-198. Passed 11-21-16.)**

- (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.
  - (4) **Storage, display, and sale of vehicles associated with an adjacent automobile dealership on abutting property zoned Motorist Service (MS) provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.**

~~(Ord. 2016-158. Passed 11-21-16; Ord. 2016-198. Passed 11-21-16)~~

**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 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 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 the storage, display and sale of vehicles in General Business Districts to ensure the safety and welfare 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: September 5, 2017 Referred to Planning Commission

Second reading: September 18, 2017 September 6, 2017

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

Approved: September 7, 2017

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 140  
Page 5

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

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

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

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

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

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

ORD. No. 2017-140 Amended: \_\_\_\_\_  
1st Rdg. 09-05-17 Ref: PC 1P2E  
2nd Rdg. 09-08-17 Ref: P2E  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



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

**MEMORANDUM**

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**TO:** Planning Commission

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

**DATE:** September 6, 2017

**SUBJECT:** Referral from Council: Ordinance Nos. 2017-139 & 2017-140

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At its regular meeting of September 5, 2017, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-139 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 840 "MEDICAL MARIJUANA" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE; AMENDING CHAPTER 1242 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, TO ESTABLISH A NEW SECTION 1242.14 CONCERNING THE REGULATION OF MEDICAL MARIJUANA IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-140 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1258.03 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 THE STORAGE, DISPLAY AND SALE OF VEHICLES IN A GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.

Copies of the ordinances are 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:** September 8, 2017

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Please be advised that at its meeting of September 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2017- 139**

An Ordinance Enacting a New Chapter 840 "MEDICAL MARIJUANA" of Title Two of Part Eight-Business Regulations and Taxation Code of the Codified Ordinances of the City of Strongsville; Amending Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code, to establish a New Section 1242.14 concerning the Regulations of Medical Marijuana in the City of Strongsville and Declaring an Emergency.

### **ORDINANCE NO 2017 - 140**

An Ordinance Amending Section 1258.03 of Title Six of part Twelve-Planning and Zoning Coe of the Codified Ordinances of the City of Strongsville in order to Establish Regulations for the Storage, display and Sale of Vehicles in a General Business District, and Declaring an Emergency.

Also at that meeting the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

### **ORDINANCE NO. 2017-122:**

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 property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency.

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 179**

**By: Mayor Perciak and Mr. Daymut**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND DIGIOIA-SUBURBAN EXCAVATING, LLC, IN CONNECTION WITH THE WALNUT DRIVE DETENTION BASIN PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2017-112, Council authorized the Mayor to enter into a contract with DiGioia Suburban Excavating, LLC, in connection with the Walnut Drive Detention Basin Project in the City of Strongsville (the "Project"), in an amount not to exceed \$629,055.25; and

WHEREAS, the City's Engineer has now recommended that it would be in the best interests of the City to include changes in the work performed or to be performed on the Project by DiGioia Suburban Excavating, LLC, generally being additional work required and requested by the City, including taking down and re-installing fences on Walnut Drive and Elm Drive; performing video services of two additional homes prior to construction; work required in connection with the cast-in-place junction chamber; and removing existing stumps, trees, and debris, all as more fully set forth in Exhibit A attached hereto and incorporated herein as if fully rewritten, and to provide additional payment for such changes in the work in the amount of \$28,583.28, for a new total Project cost of \$657,638.53.

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 issue and approve Change Order No. 1 to the contract in the amount of \$28,583.28, as recommended by the City Engineer, and reflected in Exhibit A; and after the issuance and approval of said Change Order No. 1 and completion of such work, to direct the Director of Finance to make payment to DiGioia Suburban Excavating, LLC in the additional amount of \$28,583.28, thereby increasing the total Project cost to \$657,638.53.

**Section 2.** That the funds necessary for this Ordinance have been appropriated and shall be paid from the Drainage Levy Fund, with reimbursement of a portion of the costs for the Project made available through a Community Cost-Share Agreement entered into with the Northeast Ohio Regional Sewer District, and that the Director of Finance be and is hereby authorized and directed to issue the City's warrants for payment accordingly, and in accordance with the terms and conditions of the contract and change order.

**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. 2017 - 179  
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 it is immediately necessary to provide for changes in the work in order to properly and timely complete the Project, to facilitate payment to the contractor for unanticipated changes in the work, to avoid potential legal problems, 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. 2017-179 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

## CHANGE ORDER

Order No. # 1  
Date: November 6, 2017  
Agreement Date: July 19, 2017

Name of PROJECT: **Walnut Drive Detention Basin**

CONTRACTOR: **DiGioia Suburban Excavating, LLC**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Additional work requested by the City

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$629,055.25**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER: **N/A**

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by:  
**\$28,583.28**

The new CONTRACT PRICE including this CHANGE ORDER will be:  
**\$657,638.53**

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by  
N/A calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: \_\_\_\_\_  
**DiGioia-Suburban Excavating, LLC**

Recommended by: \_\_\_\_\_  
**Ken Mikula, P. E., City Engineer**

Accepted by: \_\_\_\_\_  
**Mayor Thomas P. Perciak**

Ex. A



11293 Royalton Road • North Royalton, OH 44133  
Phone: 440.237.1978 • Fax: 440.237.1975

October 12, 2017

City of Strongsville  
16099 Foltz Parkway  
Strongsville, Ohio 44149

Re: Walnut Drive Detention Basin Change Orders

To Whom It May Concern:

The following extra work has been performed for the Walnut Drive Detention Basin project located in Strongsville, Ohio. The work performed includes taking down, moving, and re-installing a wooden fence on Walnut Drive. This work was completed on August 14 and August 15, 2017. On August 21, 2017, Work Zone Video, a subcontractor to DiGioia-Suburban Excavating, performed video services of two additional homes. Additional work was performed on August 23<sup>rd</sup> and 24<sup>th</sup>, as well as August 28<sup>th</sup> and 29<sup>th</sup>, pertaining to the cast-in-place junction chamber. That work included excavating and forming the base slab, pouring the base slab, forming and pouring the walls and top of the chamber, installing a cast iron frame and grate and dismantling the concrete forms. On September 11<sup>th</sup> and 12<sup>th</sup>, existing stumps, trees and debris were removed from the borrow pit location discovered during excavation work and hauled offsite.

The cost breakdown for the additional work performed is as follows:

Date	Cost
August 14 <sup>th</sup> & 15 <sup>th</sup>	\$4,916.56
August 21 <sup>st</sup>	\$172.20
August 23 <sup>rd</sup> , 24 <sup>th</sup> , 28 <sup>th</sup> & 29 <sup>th</sup>	\$18,208.78
September 11 <sup>th</sup> & 12 <sup>th</sup>	\$5,285.74
Total	\$28,583.28

Please contact me with any additional questions.

Regards,

Curtis Huffman  
Project Manager

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 180

By: Mayor Perciak and Mr. Daymut

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 2 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING COMPANY, INC., IN CONNECTION WITH THE FAWN MEADOW LANE AND IVYWOOD COURT WATERLINE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2017-046, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Company, Inc. in connection with the Fawn Meadow Lane and Ivywood Court Waterline Replacement Project in the City of Strongsville (the "Project"), in an amount not to exceed \$678,576.02; and

WHEREAS, thereafter, Council adopted Ordinance No. 2017-130, approving and authorizing Change Order No. 1 to the contract, which increased the total project cost by \$65,005.50 to \$743,581.52, due to additional work required and requested by the City and the Cleveland Water Department; and

WHEREAS, Fabrizi Trucking & Paving Company, Inc., therefore, has submitted to the City Engineer a request for an adjustment in the contract price for the final costs incurred due to the additional labor, materials and equipment to complete the aforesaid Project, and plan quantities have been reconciled with field quantities; and

WHEREAS, the City's Engineer has recommended that it would be in the best interests of the City to provide payment to Fabrizi Trucking & Paving Company, Inc. in the amount of \$5,707.43 for the additional work and reconciliation of quantities resulting in an increase to the total Project cost, with a final adjusted total Project cost of \$749,288.95, all as more fully set forth in Exhibits A and B attached hereto and incorporated herein by reference.

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 issue and approve Change Order No. 2 (Final) in the amount of \$5,707.43, as recommended by the City Engineer, and reflected in Exhibits A and B; and after the issuance and approval of said Change Order No. 2 (Final) and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to Fabrizi Trucking & Paving Company, Inc. in the additional amount of \$5,707.43, thereby increasing the total Project cost to \$749,288.95.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 180

Page 2

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

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide compensation for additional work and reconciliation of plan quantities in order to properly and timely complete the Project, to avoid potential legal problems, 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. 2017-180 Amended: \_\_\_\_\_

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

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

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

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

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



## CHANGE ORDER

Order No. # 2 Final  
Date: November 6, 2017  
Agreement Date: April 18, 2017

Name of PROJECT: **Fawn Meadow Lane and Ivywood Court Waterline Replacement**

CONTRACTOR: **Fabrizi Trucking and Paving, Co.**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Project close out to actual quantities

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$678,576.02**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER #1: **\$743,581.52**

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by: **\$5,707.43**

The new CONTRACT PRICE including this CHANGE ORDER will be: **\$749,288.95**

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by  
\_\_\_\_\_ **N/A** \_\_\_\_\_ calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: \_\_\_\_\_  
**Fabrizi Trucking and Paving, Co.**

Recommended by: \_\_\_\_\_  
**Ken Mikula, P. E., City Engineer**

Accepted by: \_\_\_\_\_  
**Mayor Thomas P. Perciak**

EX. A

**CITY OF STRONGSVILLE FAWN MEADOW & IVYWOOD COURT WATERLINE CHANGE ORDER #2 FINAL**

ITEM	DESCRIPTION	UNIT	BID QUANTITY	UNIT PRICE	BID COST	PLANNED QUANTITY	ACTUAL COST	DIFFERENCE OF COST - BID
1	7" reinforced concrete - type MS Slab Replacement	SY	6,513	\$ 57.92	377,232.96	6,011.00	348,157.12	\$ -
2	7" reinforced concrete - type MS Joint Replacement	SY	12	\$ 65.00	780.00	0.00	0.00	\$ -
3	Truncated Dome	EA.	9	\$ 200.00	1,800.00	8.00	1,600.00	\$ -
4	Reinforced concrete - class C curb ramp	SF	515	\$ 6.00	3,090.00	263.04	1,578.24	\$ -
5	Catch Basin Repair	EA.	16	\$ 450.00	7,200.00	14.00	6,300.00	\$ -
6	Manhole Adjusted to Grade	EA.	2	\$ 150.00	300.00	1.00	150.00	\$ -
7	Monument Box Adjusted to grade	EA	7	\$ 50.00	350.00	8.00	400.00	\$ -
8	Existing Water Box adjusted to grade	EA	4	\$ 50.00	200.00	4.00	200.00	\$ -
9	Butt Joint w/ 448 asphalt surface course and milling	CY	8	\$ 607.50	4,860.00	0.00	0.00	\$ -
10	304 Limestone Base for Pavement only	CY	57	\$ 52.52	2,993.64	702.32	36,885.85	\$ -
11	Underground sprinkler repair (contingent)	EA	1	\$ 2,000.00	2,000.00	1.00	2,000.00	\$ -
12	4" Curb Drain	LF	3,600	\$ 6.00	21,600.00	3,585.00	21,510.00	\$ -
13	6" Concrete Apron Replacement	SF	2,400	\$ 6.50	15,600.00	4,986.27	32,410.76	\$ -
14	8" Watermain PVC C-900 with Tracer Wire	LF	1,715	\$ 65.91	113,035.65	1,822.50	120,120.98	\$ -
15	Short Connections Waterline w/ 5lb Anodes	EA.	13	\$ 840.97	10,932.61	11.00	9,250.67	\$ -
16	Long Connections waterline w/ 9lb Anodes	EA.	10	\$ 681.20	6,812.00	12.00	8,174.40	\$ -
17	12" X 12" X 8" Cut-in-Tee, Valve and Box	EA.	1	\$ 3,546.84	3,546.84	1.00	3,546.84	\$ -
18	8" X 8" X 8" Tee	EA.	1	\$ 452.61	452.61	1.00	452.61	\$ -
19	8" X 8" X 8" X 8" Cross	EA.	1	\$ 503.99	503.99	1.00	503.99	\$ -
20	Hydrant Assembly w/ Line valve, box, reducer & restraints	EA.	7	\$ 4,255.06	29,785.42	7.00	29,785.42	\$ -
21	8" - 45 ° Bend	EA.	4	\$ 1,791.43	7,165.72	4.00	7,165.72	\$ -
22	8" - 11 1/4 ° Bend	EA.	1	\$ 289.27	289.27	0.00	0.00	\$ -
23	Chlorination Pit	EA.	1	\$ 543.11	543.11	1.00	543.11	\$ -
24	8" Gate Valve	EA.	8	\$ 1,129.10	9,032.80	8.00	9,032.80	\$ -
25	Waterline Lowering	EA.	4	\$ 1,051.03	4,204.12	4.00	4,204.12	\$ -
26	CWD Fees/Charges	LS	1	\$ 5,200.00	5,200.00	1.00	5,200.00	\$ -
27	Preconstruction Photography	LS	1	\$ 691.20	691.20	1.00	691.20	\$ -
28	Topsoil	CY	67	\$ 62.64	4,196.88	168.00	10,523.52	\$ -
29	Seed, Fertilizer, & Mulch	SY	800	\$ 1.62	1,296.00	2,403.00	3,892.86	\$ -
30	Water	MGAL	6	\$ 86.40	518.40	6.00	518.40	\$ -
31	Mobilization	LS	1	\$ 11,544.00	11,544.00	1.00	11,544.00	\$ -
32	Maintenance of Traffic	LS	1	\$ 1,580.00	1,580.00	1.00	1,580.00	\$ -
33	Clearing and Grubbing (contingent)	LS	1	\$ 750.00	750.00	0.00	0.00	\$ -
34	As Builts	LS	1	\$ 2,052.00	2,052.00	1.00	2,052.00	\$ -
35	Utility Allowance (contingent)	EA.	1	\$ 25,000.00	25,000.00	0.00	0.00	\$ -
36	Erosion and Sedimentation Control	LS	1	\$ 1,436.80	1,436.80	1.00	1,436.80	\$ -
				Orig. Contract Price =	\$ 678,576.02	FINAL TOTAL CONTRACT:	\$ 681,411.41	
Change Order #1								
Additional Work								
Case 1	Short connection with new copper from main w/ curb valve & box	Ea.	13.00	\$ 1,041.10	13,534.30	11.00	11,452.10	
Case 2	Long connection with new copper from main w/ curb valve & box	Ea.	10.00	\$ 2,477.12	24,771.20	12.00	29,725.44	
Case 3	Concrete Pavement Slip Form w/ Aprons	LS	1.00	\$ 26,700.00	26,700.00	1.00	26,700.00	
CHANGE ORDER #1 AMOUNT					\$ 65,005.50		\$ 67,877.54	
NEW CONTRACT PRICE AFTER CHANGE ORDER # 1					\$ 743,581.52		\$ 749,288.95	
CONTRACT PRICE								\$ 743,581.52
ACTUAL COSTS								\$ 749,288.95
CHANGE ORDER # 2 INCREASE TO CONTRACT =								\$ 5,707.43

EX. B

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 181**

**By: Mayor Perciak and Mr. Daymut**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING COMPANY, INC., IN CONNECTION WITH THE CHERRY STONE DRAINAGE PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ordinance No. 2017-102, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Company, Inc. for the removal and replacement of an existing culvert, and improvements to an existing retention basin in the City of Strongsville, in connection with the Cherry Stone Drainage Project (the "Project"), in an amount not to exceed \$1,275,153.71; and

WHEREAS, the City's Engineer has now recommended that it would be in the best interests of the City to include changes in the work performed or to be performed on the Project by Fabrizi Trucking & Paving Company, Inc., generally being additional work required and requested by the City, and to reconcile plan quantities with actual quantities, all as more fully set forth in Exhibit A attached hereto and incorporated herein as if fully rewritten, and to provide additional payment for such changes in the work in the amount of \$134,564.91, for a new total Project cost of \$1,409,718.62.

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 issue and approve Change Order No. 1 to the contract in the amount of \$134,564.91, as recommended by the City Engineer, and reflected in Exhibit A; and after the issuance and approval of said Change Order No. 1 and completion of such work, to direct the Director of Finance to make payment to Fabrizi Trucking & Paving Company, Inc. in the additional amount of \$134,564.91, thereby increasing the total Project cost to \$1,409,718.62.

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

**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. 2017 – 181  
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 it is immediately necessary to provide for changes in the work in order to properly and timely complete the Project, to facilitate payment to the contractor for unanticipated changes in the work, to avoid potential legal problems, 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. 2017-181 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



## CHANGE ORDER

Order No. # 1  
Date: November 6, 2017  
Agreement Date: July 5, 2017

Name of PROJECT: **Cherry Stone Drainage Project**

CONTRACTOR: **Fabrizi Trucking & Paving Co., Inc.**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Additional work requested by the City and reconciliation of quantities

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$1,275,153.71**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER: **N/A**

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by: **\$134,564.91**

The new CONTRACT PRICE including this CHANGE ORDER will be: **\$1,409,718.62**

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by  
\_\_\_\_\_ **N/A** \_\_\_\_\_ calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: \_\_\_\_\_  
**Fabrizi Trucking & Paving Co., Inc.**

Recommended by: \_\_\_\_\_  
**Ken Mikula, P. E., City Engineer**

Accepted by: \_\_\_\_\_  
**Mayor Thomas P. Perciak**

EX.A

City of Strongsville  
Cherry Stone Drainage Project

CHANGE ORDER #1

ITEM NO.	DESCRIPTION	BID QUANTITY	UNITS	UNIT PRICE	BID AMOUNT	ACTUAL QUANTITY TO DATE	ACTUAL COST TO DATE
1	Clearing and Grubbing	1	LS	31,700.97	\$ 31,700.97	1.00	31,700.97
2	Tree Removed, 4-12" Size *	2	EA	540.00	\$ 1,080.00	2.00	1,080.00
3	Tree Removed, 15" Size *	2	EA	810.00	\$ 1,620.00	3.00	2,430.00
4	Portions of Structure Removed (Existing Concrete Spillway)	2	CY	98.01	\$ 196.02	2.00	196.02
5	Pipe Removed, 18"	25	LF	21.26	\$ 531.50	25.00	531.50
6	Pipe Removed, 48"	252	LF	5.59	\$ 1,408.68	-	-
7	Headwall Removed	2	EA	3,027.99	\$ 6,055.98	-	-
8	Walk Removed	71	SF	2.02	\$ 143.42	-	-
9	Manhole Removed	2	EA	524.66	\$ 1,049.32	-	-
10	Outlet Structure Removed	2	EA	774.99	\$ 1,549.98	1.00	774.99
11	Excavation	1	LS	451,687.71	\$ 451,687.71	1.00	451,687.71
12	Embankment	1	LS	2,350.76	\$ 2,350.76	1.00	2,350.76
13	Full Depth Pavement Removal and Rigid Replacement, Class QC1	42	SY	91.72	\$ 3,852.24	-	-
14	Full Depth Pavement Sawing	47	LF	5.00	\$ 235.00	-	-
15	Shale Excavation	7,500	CY	6.11	\$ 45,825.00	16,230.00	99,165.30
16	Rock Channel Protection, Type A with Filter	124	CY	116.56	\$ 14,453.44	36.00	4,196.16
17	Rock Channel Protection, Misc.: Riffle Stone River Gravel Subgrade, Approximate Size 2"	60	CY	56.58	\$ 3,394.80	70.90	4,011.52
18	Rock Channel Protection, Misc.: Riffle Armor Subgrade - Type A	86	CY	282.18	\$ 24,267.48	159.62	45,041.57
19	Rock Channel Protection, Misc.: Imbricated Stone Toe - Boulders, Per Plan	36	CY	269.74	\$ 9,710.64	12.00	3,236.88
20	Rock Channel Protection, Misc.: Cross Vane - Boulders, Per Plan (including	128	CY	436.59	\$ 55,883.52	128.00	55,883.52
21	Rock Channel Protection, Misc.: Step Pool - Boulders, Per Plan (including Non-	71	CY	244.94	\$ 17,390.74	52.00	12,736.88
22	Concrete Walk	71	SF	8.00	\$ 568.00	-	-
23	8' Span x 4' Rise Conduit, Type A Precast Reinforced Concrete Box Culvert, with Type I Bedding	221	LF	449.93	\$ 99,434.53	-	-
24	6' Span x 3' Rise Conduit, Type A Precast Reinforced Concrete Box Culvert, with Type I Bedding	32	LF	489.90	\$ 15,676.80	32.00	15,676.80
25	Manhole (Special, Structure 1/11)	1	EA	21,412.81	\$ 21,412.81	1.00	21,412.81
26	Manhole (Special, Structure 3/11)	1	EA	24,622.67	\$ 24,622.67	-	-
27	Precast Reinforced Concrete Headwall (for 8' x 4' Box Culvert)	2	EA	12,443.08	\$ 24,886.16	-	-
28	Precast Reinforced Concrete Headwall (for 6' x 3' Box Culvert)	1	EA	11,912.55	\$ 11,912.55	1.00	11,912.55
29	Maintaining Traffic	1	LS	2,700.00	\$ 2,700.00	0.50	1,350.00
30	Water	44	MG	108.00	\$ 4,752.00	-	-
31	Construction Layout Stakes and Surveying	1	LS	4,098.60	\$ 4,098.60	0.75	3,073.95
32	Mobilization	1	LS	117,648.00	\$ 117,648.00	0.75	88,236.00
33	Topsoil Stockpiled	460	CY	3.76	\$ 1,729.60	460.00	1,729.60
34	Placing Stockpiled Topsoil	460	CY	8.02	\$ 3,689.20	460.00	3,689.20
35	Topsoil Furnished and Placed	1,214	CY	33.63	\$ 40,826.82	1,210.00	40,692.30
36	Seeding and Mulching, As Per Plan	15,057	SY	2.24	\$ 33,727.68	14,400.00	32,256.00
37	Seeding, Misc.: Temporary Seeding and Mulching	15,057	SY	0.57	\$ 8,582.49	-	-
38	Seeding, Misc.: Native Seeding and Mulching	2,199	SY	1.46	\$ 3,210.54	1,900.00	2,774.00
39	Planting, Misc.: Live Stakes	1,482	EA	5.24	\$ 7,765.68	-	-
40	Deciduous Tree, #3, Sassafras albidum	5	EA	139.32	\$ 696.60	-	-
41	Deciduous Tree, 1 3/4" BB, Acer rubrum	5	EA	328.32	\$ 1,641.60	-	-
42	Deciduous Tree, 1 3/4" BB, Acer saccharum	5	EA	339.12	\$ 1,695.60	-	-
43	Deciduous Tree, 1 3/4" BB, Cercis canadensis	5	EA	328.32	\$ 1,641.60	-	-
44	Deciduous Tree, 1 3/4" BB, Liriodendron tulipifera	5	EA	328.32	\$ 1,641.60	-	-
45	Deciduous Tree, 1 3/4" BB, Quercus bicolor	5	EA	349.92	\$ 1,749.60	-	-
46	Deciduous Tree, 1 3/4" BB, Platanus x acerifolia	5	EA	328.32	\$ 1,641.60	-	-
47	Deciduous Tree, 15 Gallon, Betula nigra	5	EA	279.72	\$ 1,398.60	-	-
48	Evergreen Tree, 5' BB, Picea g. densata	15	EA	193.32	\$ 2,899.80	-	-
49	Evergreen Tree, 5' BB, Taxodium d. 'Mickelson'	15	EA	236.52	\$ 3,547.80	-	-
50	Evergreen Tree, 5' BB, Thuja plicata	15	EA	171.72	\$ 2,575.80	-	-
51	Erosion Control, Per Plan	1	LS	6,000.00	\$ 6,000.00	0.50	3,000.00
52	Toe Wood	193	LF	598.54	\$ 115,518.22	193.00	115,518.22
53	Erosion Control Blanket	2,199	SY	14.04	\$ 30,873.96	1,900.00	26,676.00
<b>Contract Price</b>					<b>\$ 1,275,153.71</b>		<b>1,083,021.21</b>
<b>Change Order #1</b>							
Case 1	Additional Manhole and Installation of 30" Storm Sewer, CIP	1.00	LS	\$ 16,596.80	\$ 16,596.80		
Case 2	Install Headwall and Type A Rip Rap for Existing Storm Sewers	1.00	LS	\$ 7,194.00	\$ 7,194.00		
Case 3	Exploratory Dig to identify conflict for with watermain and box culvert	1.00	LS	\$ 2,471.00	\$ 2,471.00		
Case 4	Watermain Lowering for 8'x4' Box Culvert on Cherry Stone	1.00	LS	\$ 32,762.00	\$ 32,762.00		
Case 5	Reconcile Quantity of Item #15 Shale Excavation	8730.00	CY	\$ 6.11	\$ 53,340.30		
Case 6	Reconcile Item #17 Rock Channel Protection - River Gravel	10.90	CY	\$ 56.58	\$ 616.72		
Case 7	Reconcile Item #18 Rock Channel Protection - Type A	73.62	CY	\$ 282.18	\$ 20,774.09		
Case 8	Reconcile Item #3 Tree Removed - 15" Size per City's Request	1.00	Ea.	\$ 810.00	\$ 810.00		
<b>Total</b>					<b>\$ 134,564.91</b>		
<b>NEW Contract Price</b>					<b>\$ 1,409,718.62</b>		

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 182**

**By: Mayor Perciak and Mr. Daymut**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING IN CONNECTION WITH THE CUY-STRONGSVILLE TLCI PROJECT AT PEARL ROAD AND ROYALTON ROAD WITHIN THE TOWN CENTER DISTRICT IN THE CITY OF STRONGSVILLE [ODOT PID NO. 106723], AGREEMENT NO. 31394], AND DECLARING AN EMERGENCY.**

WHEREAS, Section 5501.03(D) of the Ohio Revised Code provides that the Ohio Department of Transportation (hereinafter referred to as "ODOT") may coordinate its activities with other appropriate public authorities and enter into contracts with other public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT; and

WHEREAS, the National Transportation Act has made available certain federal funding for use by local public agencies; and

WHEREAS, the Federal Highway Administration (hereinafter referred to as "FHWA") has designated ODOT as the agency in Ohio to administer FHWA's federal funding programs; and

WHEREAS, by and through Ordinance No. 2016-226, this Council authorized the filing of an application for Transportation for Livable Communities Initiative Implementation (TLCI) grant funding assistance with the Northeast Ohio Areawide Coordinating Agency (NOACA) in connection with City of Strongsville intersection improvements at Pearl Road and Royalton Road and other areas within the Town Center District to improve pedestrian and bicycle safety, which will include improvements to, among other things, pedestrian signalization; and

WHEREAS, the Strongsville TLCI Project, identified as Project No. CUY-Strongsville TLCI, PID 106723, is a transportation activity eligible to receive federal funding; and

WHEREAS, the City of Strongsville has received funding approval for the Project from the applicable program manager having responsibility for monitoring such projects using the federal funds involved; and

WHEREAS, it is the mutual desire of both ODOT and the City to have the City serve as the responsible lead agency for the administration of the Project and to properly document such arrangement.

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 enter into a LPA Federal Local-LET Project Agreement with the Ohio Department of Transportation for funding of up to a maximum of \$141,000.00 of the total approximate project cost of \$354,000.00 for the Strongsville TLCI Project at Pearl Road and Royalton Road and other areas within the Town Center District in the City of Strongsville, a copy of which Agreement being No. 31394, [PID 106723] is attached hereto as Exhibit A and in all respects is hereby approved.

**Section 2.** That the Mayor, City Engineer, Director of Finance and/or other appropriate officials of the City and their designees be and are hereby authorized to do all things necessary to perform the terms and conditions of the Agreement in accordance with their respective responsibilities thereunder.

**Section 3.** That the funds necessary to pay the City's share for the purposes of the Project shall be appropriated and paid from the General Capital Improvement Fund; Royalton Road TIF; Pearl Road TIF #2; Pearl Road TIF #3; and that the Director of Finance be and is hereby authorized and directed to issue his warrants for payment in accordance with the terms of the Project Agreement.

**Section 4.** That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the Ohio Director of Transportation.

**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 immediately necessary for the preservation of the public peace, health, safety, and general welfare of the inhabitants of the City, and for the further reason that execution and return of the Agreement is immediately necessary in order for the Project to commence in a timely manner, to implement the proposed intersection improvements, to promote highway safety and flow of traffic within the City, promote economic development, 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: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 182  
Page 3

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

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

ORD. No. 2017-182 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CFDA 20.205

## LPA FEDERAL LOCAL-LET PROJECT AGREEMENT

**THIS AGREEMENT** is made by and between the State of Ohio, Department of Transportation, hereinafter referred to as ODOT, 1980 West Broad Street, Columbus, Ohio 43223 and **City of Strongsville**, hereinafter referred to as the LPA, **16099 Foltz Parkway, Strongsville, Ohio 44149**.

### 1. PURPOSE

- 1.1 The National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (hereinafter referred to as FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs.
- 1.2 Section 5501.03 (D) of the **Ohio Revised Code** (hereinafter referred to as ORC) provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.
- 1.3 The **CUY-Strongsville TLCI – (PID 106723)** (hereinafter referred to as the PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.
- 1.4 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities for the local administration of the PROJECT.

### 2. LEGAL REFERENCES

- 2.1 This Agreement is authorized and/or governed by the following statutes and/or policies, which are incorporated, by reference, in their entirety:
  - a. Section 5501.03(D) of the ORC;
  - b. ODOT Locally Administered Transportation Projects, Manual of Procedures;
  - c. National Transportation Act, Title 23, U.S.C.; 23 CFR 635.105;
  - d. State of Ohio Department of Transportation Construction and Material Specifications Manual (applicable to dates of PROJECT);
  - e. 2 CFR Part 200; and
  - f. Federal Funding Accountability and Transparency Act (FFATA)
- 2.2 The LPA shall comply with all applicable Federal and State laws, regulations, executive orders, and applicable ODOT manuals and guidelines. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

Ex. A

### 3. FUNDING

- 3.1 The total cost for the PROJECT is estimated to be **\$354,000** as set forth in Attachment 1. ODOT shall provide to the LPA **80** percent of the eligible costs, up to a maximum of **\$141,000** in Federal NOACA (4TA7) funds for eligible costs associated with the actual construction of the transportation project improvements. This maximum amount reflects the funding limit for the PROJECT as set by the applicable Program Manager.
- 3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100 percent Locally-funded work, cost overruns and contractor claims.

### 4. PROJECT DEVELOPMENT AND DESIGN

- 4.1 The LPA and ODOT agree that the LPA is qualified to administer this PROJECT and is in full compliance with all LPA participation requirements.
- 4.2 The LPA and ODOT agree that the LPA has received funding approval for the PROJECT from the applicable ODOT Program Manager having responsibility for monitoring such projects using the Federal funds involved.
- 4.3 The LPA shall design and construct the PROJECT in accordance with a recognized set of written design standards. The LPA shall (option one: follow its own formally written set of local design standards or option two: make use of ODOT's Location and Design Manual (L&D), or the appropriate AASHTO publication). Even though the LPA may use its own standards, ODOT may require the LPA to use a design based on the L&D Manual for projects that contain a high crash rate or areas of crash concentrations. Where the LPA has adopted ODOT standards for the PROJECT, the LPA shall be responsible for ensuring that any ODOT standards used for the PROJECT are current and/or updated. The LPA shall be responsible for periodically contacting the ODOT District LPA Coordinator or through the following Internet website for any changes or updates: [www.dot.state.oh.us/drrc/Pages/default.aspx](http://www.dot.state.oh.us/drrc/Pages/default.aspx)
- 4.4 The LPA shall either designate an LPA employee, who is a registered professional engineer, to act as the PROJECT Design Engineer and serve as the LPA's principal representative for attending to PROJECT responsibilities, or engage the services of a pre-qualified ODOT consultant, who has been chosen using a Qualification-Based Selection (QBS) process, as required pursuant to ORC sections 153.65 through 153.71. The pre-qualified list is available on the ODOT website at: [www.dot.state.oh.us/DIVISIONS/Engineering/CONSULTANT](http://www.dot.state.oh.us/DIVISIONS/Engineering/CONSULTANT)
- 4.5 If Federal funds are used for a phase of project development and the LPA executes an agreement with a consultant prior to the receipt of the "Authorization" notification from ODOT, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 4.6 ODOT reserves the right to move this PROJECT into a future sale year if the LPA does not adhere to the established PROJECT schedule, regardless of any funding commitments.

### 5. ENVIRONMENTAL RESPONSIBILITIES

- 5.1 In the administration of this PROJECT, the LPA shall be responsible for conducting any required public involvement events, for preparing all required documents, reports and other supporting materials needed for addressing applicable environmental assessment, for clearance responsibilities for the PROJECT pursuant to the National Environmental Policy Act and related

regulations, including the requirements of the National Historic Preservation Act; and for securing all necessary permits.

- 5.2 If the LPA does not have the qualified staff to perform any or all of the respective environmental responsibilities, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The pre-qualified list is available on the ODOT web page at [www.dot.state.oh.us/CONTRACT](http://www.dot.state.oh.us/CONTRACT). If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.
- 5.3 ODOT shall be responsible for the review of all environmental documents and reports, and shall complete all needed coordination activities with State and Federal regulatory agencies toward securing environmental clearance.
- 5.4 The LPA shall be responsible for assuring compliance with all commitments made as part of the PROJECT's environmental clearance and/or permit requirements during the construction of the project.
- 5.5 The LPA shall require its consultant, selected to prepare a final environmental document pursuant to the requirements of the National Environmental Policy Act, to execute a copy of a disclosure statement specifying that the consultant has no financial or other interest in the outcome of the PROJECT.
- 5.6 The LPA shall provide a letter indicating the proposed Best Management Practices (BMPs) to be utilized for post construction storm water management in accordance with the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Construction General Permit. If no BMPs are proposed, a letter stating concurrence is required from the Ohio EPA.

## 6. RIGHT OF WAY/ UTILITIES/ RAILROAD COORDINATION

- 6.1 All right-of-way acquisition activities shall be performed by the LPA in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646) as amended by 49 CFR Part 24 (hereinafter referred to as Uniform Act), any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT.
- 6.2 If existing and newly-acquired right of way is required for this PROJECT, the LPA shall certify that the all right of way has been acquired in conformity with Federal and State laws, regulations, policies, and guidelines. Per ODOT's Office of Real Estate, any LPA staff who perform real estate functions shall be prequalified. If the LPA does not have the qualified staff to perform any or all of the respective right of way functions, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The LPA shall not hire the same consultant to perform both the appraisal and appraisal review functions. Appraisal review shall be performed by an independent staff or fee reviewer and shall be hired directly by the LPA. Likewise, a consultant hired to perform right of way acquisition work is not permitted to perform both the relocation and relocation review functions. Relocation review shall be performed by an independent staff or fee reviewer.
- 6.3 If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.
- 6.4 All relocation assistance activities shall be performed by the LPA in conformity with Federal and State laws, including the Uniform Act, and any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT. The LPA shall not hire a consultant to perform both the relocation and relocation review functions nor shall the LPA hire a sub-consultant



for relocation and another sub-consultant for relocation review. Relocation review shall be performed by an independent staff person or independent fee reviewer and shall be hired directly by the LPA.

- 6.5 The LPA shall provide the ODOT District Office with its certification that all right of way property rights necessary for the PROJECT are under the LPA's control, that all right of way has been cleared of encroachments, and that utility facilities have been appropriately relocated or accounted for so as not to interfere with PROJECT construction activities. ODOT shall make use of the LPA's Right of Way Certification, as well as evaluate the LPA's and/or consultant's performance of the PROJECT real estate activities under Titles II and III of the Uniform Act, and, as appropriate, certify compliance to the FHWA. The LPA shall be liable to repay to ODOT all of the Federal funds disbursed to it under this Agreement if the certification of the LPA is found to be in error or otherwise invalid.
- 6.6 In the administration of this PROJECT, the LPA agrees to follow all procedures described in the ODOT Utilities Manual and 23 CFR Part 645. When applicable, the LPA shall enter into a utility relocation agreement with each utility prior to the letting of construction. No reimbursable construction costs shall be incurred by the LPA prior to the receipt of the "Authorization to Advertise" notification from ODOT. If such costs are incurred, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 6.7 The LPA shall submit all subsequent modifications to the design of the PROJECT and/or any disposal of property rights acquired as part of the PROJECT to ODOT and FHWA for approval.
- 6.8 The LPA shall be responsible for any necessary railroad coordination and agreements. The LPA shall comply with the provisions of Title 23 of the Code of Federal Regulations and applicable chapters of the ORC regarding all activities relating to Railroad-Highway projects.
- 6.9 Consistent with sections 10.1 and 10.4 of this agreement, the LPA shall assure that, if any property acquired for this project is subsequently sold for less than fair market value, all Title VI requirements are included in the instrument which transfers the property. Consistent with sections 10.1 and 10.4 of this agreement, the LPA shall assure that if the LPA grants a permit or license for the property acquired for this project that the license or permit require the licensee or permit holder to adhere to all Title VI requirements.

## 7. ADVERTISING, SALE AND AWARD

- 7.1 The LPA **shall not** advertise for bids prior to the receipt of the "Authorization to Advertise" notification from ODOT. Should advertising or work commence prior to the receipt of the "Authorization to Advertise" notification, ODOT shall immediately terminate this Agreement and cease all Federal funding commitments.
- 7.2 Any use of sole source or proprietary bid items must be approved by the applicable ODOT district. All sole source or proprietary bid items should be brought to the attention of the LPA Coordinator as soon as possible so as not to cause a delay in the plan package submission process. Bid items for traffic signal and highway lighting projects must be in conformance with ODOT's Traffic Engineering Manual.
- 7.3 Once the LPA receives Federal authorization to advertise, the LPA may begin advertising activities. Whenever local advertisement requirements differ from Federal advertisement requirements, the Federal requirements shall prevail. The period between the first legal advertising date and the bid opening date shall be a minimum of twenty-one (21) calendar days. The LPA shall submit to ODOT any addendum to be issued during the advertisement period that changes estimates or materials.

ODOT shall review and approve such addendum for project eligibility. All addenda shall be distributed to all potential bidders prior to opening bids and selling the contracts.

- 7.4 The LPA must incorporate ODOT's LPA Bid Template in its bid documents. The template includes Form FHWA-1273, Required Contract Provisions, a set of contract provisions and proposal notices that are required by regulations promulgated by the FHWA and other Federal agencies, which must be included in all contracts as well as appropriate subcontracts and purchase orders.
- 7.5 The LPA shall require the contractor to be enrolled in, and maintain good standing in, the Ohio Bureau of Workers' Compensation Drug-Free Safety Program (DFSP), or a similar program approved by the Bureau of Workers' Compensation, and the LPA must require the same of any of its subcontractors.
- 7.6 Only pre-qualified contractors are eligible to submit bids for this PROJECT. Pre-qualification status must be in effect/current **at the time of award**. For work types that ODOT does not pre-qualify, the LPA must still select a qualified contractor. Subcontractors are not subject to the pre-qualification requirement. In accordance with FHWA Form 1273 Section VII and 23 CFR 635.116, the "prime" contractor must perform no less than 30 percent of the total original contract price. The 30-percent prime requirement does not apply to design-build contracts.
- 7.7 In accordance with ORC Section 153.54, et. seq., the LPA shall require that the selected contractor provide a performance and payment bond in an amount equal to at least 100 percent of its contract price as security for the faithful performance of its contract. ODOT shall be named an obligee on any bond. If the LPA has 100 percent locally-funded work product within this agreement, the LPA must allocate the correct percent of the performance and payment bond cost to the 100 percent locally-funded work product.
- 7.8 Before awarding a contract to the selected contractor, the LPA shall verify that the contractor is not subject to a finding for recovery under ORC Section 9.24, that the contractor has taken the appropriate remedial steps required under ORC Section 9.24, or that the contractor otherwise qualifies under the exceptions to this section. Findings for recovery can be viewed on the Auditor of State's website at <https://ohioauditor.gov/findings.html> . If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all Federal funding commitments.
- 7.9 Before awarding a contract to the selected contractor, the LPA shall verify that the contractor is an active registrant on the Federal System for Award Management (SAM). Pursuant to 48 CFR 9.404, contractors that have an active exclusion on SAM are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits. If the LPA fails to so verify, ODOT may immediately terminate this Agreement and release all federal funding commitments.
- 7.10 The LPA is prohibited from imposing any geographical hiring preference on any bidder in the LPA's bid documents or on any successful contractor in the LPA's award or contract for the construction of the PROJECT.
- 7.11 After analyzing all bids for completeness, accuracy, and responsiveness, per ORC 153.12, the LPA shall approve the award of the contract in accordance with laws and policies governing the LPA within 60 days after bid opening. Within 45 days of that approval, the LPA shall submit to ODOT notification of the project award by submitting a bid tabulation, a copy of the ordinance or resolution, and direct payment information as required in Attachment 2 of this agreement, if applicable.

## 8. CONSTRUCTION CONTRACT ADMINISTRATION

- 8.1 The LPA shall provide and maintain competent and adequate project management covering the supervision and inspection of the development and construction of the PROJECT. The LPA shall bear the responsibility of ensuring that construction conforms to the approved plans, surveys, profiles, cross sections and material specifications. If a consultant is used for engineering and/or inspection activities, the LPA must use a QBS process as required pursuant to ORC sections 153.65 through 153.71. Any construction contract administration or engineering costs incurred by the LPA or their consultant prior to the construction contract award date will not be eligible for reimbursement under this agreement.
- 8.2 The LPA must maintain a project daily diary that is up-to-date and contains the following information: all work performed, list of equipment utilized, project personnel and hours worked, pay quantities, daily weather conditions, special notes and instructions to the contractor, and any unusual events occurring on or adjacent to the project. Additionally, the LPA is responsible for documenting measurements, calculations, material quality, quantity, and basis for payment; change orders, claims, testing and results, traffic, inspections, plan changes, prevailing wage, EEO and DBE, if applicable. The LPA is responsible for ensuring all materials incorporated into the project comply with ODOT's Construction and Material Specifications and meet the requirements of Appendix J in the LATP Manual of Procedures.
- 8.3 The LPA shall certify both the quantity and quality of material used, the quality of the work performed, and the amount of construction engineering cost, when applicable, incurred by the LPA for the eligible work on the PROJECT, as well as at the completion of construction. The LPA shall certify that the construction is in accordance with the approved plans, surveys, profiles, cross sections and material specifications or approved amendments thereto.
- 8.4 The Federal-aid Highway Program operates on a reimbursement basis, which requires that costs actually be incurred and paid before a request is made for reimbursement. The LPA shall review and/or approve all invoices prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT. If the LPA requests reimbursement, it must provide documentation of payment for the PROJECT costs requested. The LPA shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The LPA must submit to ODOT a written request for either current payment or reimbursement of the Federal/State share of the expenses involved, attaching copies of all source documentation associated with pending invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed on a daily basis as the items of work are completed and accepted.
- 8.5 ODOT shall pay, or reimburse, the LPA or, at the request of the LPA and with concurrence of ODOT, pay directly to the LPA's construction contractor ("Contractor"), the eligible items of expense in accordance with the cost-sharing provisions of this Agreement. If the LPA requests to have the Contractor paid directly, Attachment 2 to this Agreement shall be completed and submitted with the project bid tabulations, and the Contractor shall be required to establish Electronic Funds Transfer with the State of Ohio. ODOT shall pay the Contractor or reimburse the LPA within thirty (30) days of receipt of the approved Contractor's invoice from the LPA. When the LPA is requesting a direct payment to its Contractor, the LPA must provide documentation that the LPA has paid its share of the PROJECT costs.
- 8.6 The LPA shall notify ODOT of the filing of any mechanic's liens against the LPA's Contractor within three (3) business days of receipt of notice of lien. Failure to so notify ODOT or failure to process a mechanic's lien in accordance with the provisions of Chapter 1311 of the ORC may result in the termination of this Agreement. Upon the receipt of notice of a mechanic's lien, ODOT reserves the

right to (1) withhold an amount of money equal to the amount of the lien that may be due and owing to either the LPA or the Contractor; (2) terminate direct payment to the affected Contractor; or (3) take both actions, until such time as the lien is resolved.

- 8.7 Payment or reimbursement to the LPA shall be submitted to:

**Thomas P. Perciak, Mayor  
City of Strongsville  
16099 Foltz Parkway  
Strongsville, OH 44149**

- 8.8 If, for any reason, the LPA contemplates suspending or terminating the contract of the Contractor, it shall first seek ODOT's written approval. Failure to timely notify ODOT of any contemplated suspension or termination, or failure to obtain written approval from ODOT prior to suspension or termination, may result in ODOT terminating this Agreement and ceasing all Federal funding commitments.
- 8.9 If ODOT approves any suspension or termination of the contract, ODOT reserves the right to amend its funding commitment in paragraph 3.1 and, if necessary, unilaterally modify any other term of this Agreement in order to preserve its Federal mandate. Upon request, the LPA agrees to assign all rights, title, and interests in its contract with the Contractor to ODOT to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.
- 8.10 Any LPA right, claim, interest, and/or right of action, whether contingent or vested, arising out of, or related to any contract entered into by the LPA for the work to be performed by the Contractor on this PROJECT (the Claim), may be subrogated to ODOT, and ODOT shall have all of the LPA's rights in/to the Claim and against any other person(s) or entity(ies) against which such subrogation rights may be enforced. The LPA shall immediately notify ODOT in writing of any Claim. The LPA further authorizes ODOT to sue, compromise, or settle any such Claim. It is the intent of the parties that ODOT be fully substituted for the LPA and subrogated to all of the LPA's rights to recover under such Claim(s). The LPA agrees to cooperate with reasonable requests from ODOT for assistance in pursuing any action on the subrogated Claim including requests for information and/or documents and/or to testify.
- 8.11 After completion of the PROJECT, and in accordance with Title 23 United States Code 116 and applicable provisions of the ORC, the LPA shall maintain the PROJECT to design standards and provide adequate maintenance activities for the PROJECT, unless otherwise agreed to by ODOT. The PROJECT must remain under public ownership and authority for 20 years unless otherwise agreed to by ODOT. If the PROJECT is not being adequately maintained, ODOT shall notify the LPA of any deficiencies, and if the maintenance deficiencies are not corrected within a reasonable amount of time, ODOT may determine that the LPA is no longer eligible for future participation in any Federally-funded programs.
- 8.12 The LPA must provide the final invoices, and final report (Appendix P located in the Construction Chapter of the LPA Manual) along with all necessary closeout documentation within 6 months of the physical completion date of the project. All costs must be submitted within 6 months of the established completion date. Failure to submit final invoices along with the necessary closeout documentation within the 6 month period may result in closeout of the project and loss of eligibility of any remaining Federal and or State funds.



9. CERTIFICATION AND RECAPTURE OF FUNDS

- 9.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the State for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by ORC section 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.
- 9.2 Unless otherwise directed by ODOT, if for any reason the PROJECT is not completed in its entirety or to a degree acceptable to ODOT and FHWA, the LPA shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT. In turn, ODOT shall reimburse FHWA an amount equal to the total sum of Federal dollars it has received for the PROJECT. If the LPA has not repaid ODOT in full an amount equal to the total funds ODOT disbursed on behalf of the project, any funds recovered from the performance and payment bond as required under section 7.7 shall be used to offset the Federal dollars reimbursed to FHWA.

10. NONDISCRIMINATION

- 10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- 10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex, national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.
- 10.3 The LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. To meet this requirement, subcontractors who claim to be DBEs must be certified by ODOT. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

Disadvantaged Business Enterprise (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the ORC.

ODOT shall supply the percentage goal to the LPA upon review of the Engineer's Estimate. Prior to executing the contract with the contractor, and in order for ODOT to encumber the Federal/State

funds, the contractor must demonstrate compliance with the DBE Utilization Plan and Good Faith Efforts requirements.

### **GOOD FAITH EFFORTS (GFEs)**

In the event that the DBE contract goal established by ODOT is not met on a project, the Contractor shall demonstrate that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

The Contractor shall demonstrate its GFEs by submitting information including but not limited to the following to the LPA:

- (1) All written quotes received from certified DBE firms;
- (2) All written (including email) communications between the Contractor and DBE firms;
- (3) All written solicitations to DBE firms, even if unsuccessful;
- (4) Copies of each non-DBE quote when a non-DBE was selected over a DBE for work on the contract;
- (5) Phone logs of communications with DBE firms.

The LPA will send the GFE documentation including their recommendation to ODOT at the following address:

Office of Small & Disadvantaged Business Enterprise  
The Ohio Department of Transportation  
1980 West Broad Street, Mail Stop 3270  
Columbus, Ohio 43223

ODOT shall utilize the guidance set forth in 49 CFR §26.53 Appendix A in determining whether the Contractor has made adequate good faith efforts to meet the goal. ODOT will review the GFE documentation and the LPA's recommendation and issue a written determination on whether adequate GFEs have been demonstrated by the Contractor.

The Contractor may request administrative reconsideration within two (2) days of being informed that it did not perform a GFE. The Contractor must make this request in writing to the following official:

Ohio Department of Transportation  
Division of Chief Legal Counsel  
1980 West Broad Street, Mail Stop 1500  
Columbus, Ohio 43223

The reconsideration official will not have played any role in the original determination that the Contractor did not document sufficient good faith effort.

As part of this reconsideration, the Contractor will have the opportunity to provide written documentation or an argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. ODOT will send the Contractor a written decision on reconsideration explaining the basis for finding that the Contractor did or did not meet the goal or make adequate good faith efforts. The result of the reconsideration process is not administratively appealable.

ODOT may issue sanctions if the Contractor fails to comply with the contract requirements and/or fails to demonstrate the necessary good faith effort. ODOT may impose any of the following sanctions:

- (a) letter of reprimand;
- (b) contract termination; and/or
- (c) other remedies available by law including administrative suspension.

Factors to be considered in issuing sanctions include, but are not limited to:

- (a) the magnitude and the type of offense;
- (b) the degree of the Consultant's culpability;
- (c) any steps taken to rectify the situation;
- (d) the Contractor's record of performance on other projects including, but not limited to:
  - (1) annual DBE participation over DBE goals;
  - (2) annual DBE participation on projects without goals;
  - (3) number of complaints ODOT has received from DBEs regarding the Contractor; and,
  - (4) the number of times the Contractor has been previously sanctioned by ODOT; and,
- (e) Whether the Contractor falsified, misrepresented, or withheld information.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest agrees as follows:

(1) **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

(2) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.

(3) **Solicitations for Contractors or Subcontractors, including Procurement of Materials and Equipment:**

In all solicitations either by competitive bidding or negotiation made by the LPA for work to be performed under a contract or subcontract, including procurements of materials or leases of equipment, each potential contractor, subcontractor, or supplier will be notified by the LPA of the LPA's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the LPA under the contract until the LPA complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs (1) through (5) above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

## 11. DATA, PATENTS AND COPYRIGHTS - PUBLIC USE

11.1 The LPA shall ensure that any designs, specifications, processes, devices or other intellectual properties specifically devised for the PROJECT by its consultants or contractors performing work become the property of the LPA, and that when requested, such designs, specifications, processes, devices or other intellectual properties shall become available to ODOT and FHWA with an unrestricted right to reproduce, distribute, modify, maintain, and use. The LPA's consultants and contractors shall not seek or obtain copyrights, patents, or other forms of proprietary protection for such designs, specifications, processes, devices or other intellectual properties, and in providing them to the PROJECT, shall relinquish any such protections should they exist.

11.2 The LPA shall not allow its consultants or contractors to utilize within the development of the PROJECT any copyrighted, patented or similarly protected design, specification, process, device or other intellectual property unless the consultant or contractor has provided for such use by suitable legal agreement with the owner of such copyright, patent or similar protection. A consultant or contractor making use of such protected items for the PROJECT shall indemnify and save harmless the LPA and any affected third party from any and all claims of infringement on such protections, including any costs, expenses, and damages which it may be obliged to pay by reason of infringement, at any time during the prosecution or after the completion of work on the PROJECT.



- 11.3 In the case of patented pavements or wearing courses where royalties, licensing and proprietary service charges, exacted or to be exacted by the patentees, are published and certified agreements are filed with the LPA, guaranteeing to prospective bidders free unrestricted use of all such proprietary rights and trademarked goods upon payment of such published charges, such patented pavements or wearing courses may be specifically designated in the proposal and competition secured upon the item exclusive of the patent or proprietary charges.

## 12. TERMINATION; DEFAULT AND BREACH OF CONTRACT

- 12.1 Neglect or failure of the LPA to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, may be an event of default, unless such failure or neglect are the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or State of Ohio or any of their departments or political subdivisions, or any other cause not reasonably within the LPA's control. If a default has occurred, ODOT may terminate this agreement with thirty (30) days written notice, except that if ODOT determines that the default can be remedied, then ODOT and the LPA shall proceed in accordance with sections 12.2 through 12.4 of this Agreement.
- 12.2 If notified by ODOT in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the LPA shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the LPA shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the LPA to remedy, or to satisfactorily commence the remedy of, the default whether payment of funds has been fully or partially made, shall result in ODOT, at its discretion, declining to make any further payments to the LPA, or in the termination of this Agreement by ODOT. If this Agreement is terminated, the LPA may be liable to repay to ODOT all of the Federal funds disbursed to it under this Agreement.
- 12.3 The LPA, upon receiving a notice of termination from ODOT for default, shall cease work on the terminated activities covered under this Agreement. If so requested by ODOT, the LPA shall assign to ODOT all its rights, title, and interest to any contracts it has with any consultants or contractors. Otherwise, the LPA shall terminate all contracts and other agreements it has entered into relating to such covered activities, take all necessary and appropriate steps to limit disbursements and minimize any remaining costs. At the request of ODOT, the LPA may be required to furnish a report describing the status of PROJECT activities as of the date of its receipt of notice of termination, including results accomplished and other matters as ODOT may require.
- 12.4 No remedy herein conferred upon or reserved by ODOT is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or option accruing to ODOT upon any default by the LPA shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed expedient by ODOT.

## 13. THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS

- 13.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director

and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in section 126.30 of the ORC.

- 13.2 The LPA hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the LPA's obligations made or agreed to herein.

14. NOTICE

- 14.1 Notice under this Agreement shall be directed as follows:

If to the LPA:

**Thomas P. Perciak, Mayor  
City of Strongsville  
16099 Foltz Parkway  
Strongsville, OH 44149**

If to ODOT:

**Myron S. Pakush  
Deputy Director, District 12  
5500 Transportation Boulevard  
Garfield Heights, OH 44125**

15. GENERAL PROVISIONS

- 15.1 Recovery of Direct Labor, Overhead, and/or Fringe Costs:

To be eligible to recover any costs associated with the LPA's internal labor forces used on this project, the LPA shall make an appropriate selection below:<sup>1</sup>

- ☐ 1. Direct Labor only (no indirect cost recovery for fringe benefit or overhead costs)
- ☐ 2. Direct Labor plus indirect costs determined using the Federal De Minimis Indirect Cost Rate<sup>2</sup>
- ☐ 3. Direct Labor plus Approved Fringe Benefit Costs (fringe benefits only)<sup>3</sup>
- ☐ 4. Direct Labor plus indirect costs determined using the approved applicable Cost Allocation Plan rate<sup>4</sup>
- ☐ 5. No cost recovery of any LPA direct labor, fringe benefits, or overhead costs.

For any labor costs to be eligible for reimbursement with Federal and State funds, the LPA shall meet all timekeeping requirements outlined in 2 CFR Part 200 and the ODOT LPA Cost Recovery Guidance, including ODOT Questions and Answers<sup>5</sup> and related supplementary guidance, as

<sup>1</sup> **Note:** If a timely election is not made at the time of contract execution, the cost recovery method will default to Option 5: No cost recovery of any LPA direct labor, fringe benefits, or overhead costs.

<sup>2</sup> The De Minimis Indirect Cost Rate is 10 percent of modified total direct costs (MTDC) per 2 CFR §200.414. Regardless of whether the LPA prepares a CAP or uses the 10-percent de minimis rate, LPAs are required to maintain Federally-compliant time-tracking systems. Accordingly, LPAs are permitted to bill for labor costs and associated indirect costs only if such costs are accumulated, tracked, and allocated in accordance with such systems. Before an LPA is eligible to elect the de minimis rate on any project, the LPA's time-tracking system and methods for tracking other project costs must be reviewed and approved by the ODOT Office of External Audits. To obtain this approval, LPAs will be required to complete an Internal Control Questionnaire (ICQ), and LPAs with compliant time-tracking systems will be granted approval (be prequalified) to apply the de minimis rate.

<sup>3</sup> Annually, the LPA shall submit an updated rate for review and approval by the ODOT Office of External Audits.

<sup>4</sup> Annually, the LPA shall submit an updated rate for review and approval by the ODOT Office of External Audits.

<sup>5</sup> Question and Answer guidance can be found at the following web address:

[http://www.dot.state.oh.us/Divisions/Planning/LocalPrograms/Locallet%20Manual/LPA%20Questions%20and%20Answers%20Re%202%20CFR%20200%20\(latest\)%20\(2\).pdf](http://www.dot.state.oh.us/Divisions/Planning/LocalPrograms/Locallet%20Manual/LPA%20Questions%20and%20Answers%20Re%202%20CFR%20200%20(latest)%20(2).pdf)

applicable. Additionally, if the LPA elects to recover fringe and/or indirect costs, the LPA shall follow 2 CFR Part 200 and the LATP Manual of Procedures.

- 15.2 **Financial Reporting and Audit Requirements:** The LPA shall comply with the financial reporting and audit requirements of 2 CFR Part 200.

The LPA must submit performance reports at the interval required by the Federal awarding agency and pass-through entity. Annual reports must be due 90 calendar days after the reporting period; quarterly and semi-annual reports must be due 30 calendar days after the reporting period. Alternatively, ODOT may require annual reports before the anniversary dates of multiple year Federal awards.<sup>6</sup>

LPAs that expend \$750,000 or more in the LPA's fiscal year in Federal awards must have a Single Audit, or program-specific audit, conducted for that year in accordance with 2 CFR §200.501.

Federal and State funds expended to or on behalf of a subrecipient must be recorded by the subrecipient (LPA). The LPA is responsible for tracking these payments throughout the life of the project in order to ensure an accurate Schedule of Expenditures of Federal Award (hereinafter referred to as *Schedule*) is provided for 20.205 funding. The LPA must identify each ODOT PID and/or Project and the corresponding expenditures on its Schedule separately. LPAs are responsible for ensuring funds related to this PROJECT are reported when the activity related to the Federal award occurs.<sup>7</sup> The LPA is required to report its own expenditures, in addition to any expenditures made by ODOT for the project in the applicable Schedule when the expenditure was made. When a Schedule is not accurately reported for the project, the LPA will be required to make corrections to past, current, and possibly future Schedules and Audit Reports to ensure Federal funds are accurately reported in the correct fiscal year matching the project expenditure. The LPA is required to report all Federal funds received, or expended on its behalf, regardless to differences in the LPA expenditure date and ODOT reimbursement date.

- 15.3 **Record Retention:** The LPA, when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its records and financial statements as necessary relating to the LPA's obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three years after FHWA approves the LPA's final Federal voucher for reimbursement of PROJECT expenses. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

As the LPA, ODOT or the United States government may legitimately request from time to time, the contractor agrees to make available for inspection and/or reproduction by the LPA, ODOT or United States government, all records, books, and documents of every kind and description that relate to this contract.

Nothing contained in this Agreement shall in any way modify the LPA's legal duties and obligations to maintain and/or retain its records under Ohio public records laws.

- 15.4 **Ohio Ethics Laws:** LPA agrees that it they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the ORC.

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<sup>6</sup> See 2 CFR §200.328.

<sup>7</sup> Per 2 CFR §200.502

- 15.5 *State Property Drug-Free Workplace Compliance:* In accordance with applicable State and Federal laws, rules, and policy, the LPA shall make a good faith effort to ensure that its employees and its contractors will not purchase, transfer, use, or possess alcohol or a controlled substance while working on State property.
- 15.6 *Governing Law:* This Agreement and any claims arising out of this Agreement shall be governed by the laws of the State of Ohio. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 15.7 *Assignment:* Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 15.8 *Merger and Modification:* This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.
- 15.9 *Severability:* If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.
- 15.10 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

**LPA: Strongsville, Ohio**

**STATE OF OHIO  
OHIO DEPARTMENT OF TRANSPORTATION**

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

By: \_\_\_\_\_  
Jerry Wray  
Director

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

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





**Attachment 2**\_\_\_\_\_  
COUNTY-ROUTE-SECTION\_\_\_\_\_  
PID NUMBER\_\_\_\_\_  
AGREEMENT NUMBER\_\_\_\_\_  
DUNS NUMBER**DIRECT PAYMENT OF CONTRACTOR**

At the direction of the LPA and upon approval of ODOT, payments for work performed under the terms of the Agreement by the LPA's contractor shall be paid directly to the contractor in the pro-rata share of Federal/State participation. The invoice package shall be prepared by the LPA as previously defined in this agreement, and shall indicate that the payment is to be made to the contractor. In addition, the invoice must state the contractor's name, mailing address and OAKS Vendor ID. Separate invoices shall be submitted for payments that are to be made to the contractor and those that are to be made to the LPA.

When ODOT uses Federal funds to make payment to the contractor, all such payments are considered to be expenditures of Federal funds received and also expended by the LPA (subrecipient). Accordingly, the LPA is responsible for tracking the receipts and payments and reporting the payments Federal (Receipts) Expenditures on the Schedule of Expenditures of Federal Awards (SEFA). An LPA that fails to report these funds accurately and timely may be required to restate the SEFA to comply with Federal reporting requirements.

We \_\_\_\_\_ (INSERT NAME OF LPA) request that all payments for the Federal/State share of the construction costs of this agreement performed by \_\_\_\_\_ (CONTRACTOR'S NAME) be paid directly to \_\_\_\_\_ (CONTRACTOR'S NAME).

Contractor Name:  
Oaks Vendor ID:  
Mailing Address:

LPA signature

LPA Name:  
Oaks Vendor ID:  
Mailing Address:

\_\_\_\_\_  
Approved, ODOT signature

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 183

By: Mr. DeMio

**AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR'S ENTERING INTO A CONTRACT WITH UNIVERSITY HOSPITALS OF CLEVELAND IN CONNECTION WITH A CUYAHOGA COUNTY OVI TASK FORCE GRANT AWARD RECEIVED FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR 2018, AND DECLARING AN EMERGENCY.**

WHEREAS, the Federal Highway Safety Act of 1966 directed the National Highway Traffic Safety Administration and Federal Highway Administration of the U.S. Department of Transportation to jointly administer various highway safety activities; and

WHEREAS, federal funds are administered through the Ohio Department of Public Safety (ODPS) to eligible entities for various targeted enforcement activity grant programs; and

WHEREAS, the City has been notified that University Hospitals of Cleveland has again received a Cuyahoga County OVI Task Force grant from the Ohio Department of Public Safety; and

WHEREAS, University Hospitals of Cleveland is desirous of once again engaging the City of Strongsville to provide targeted enforcement activity for 2018 in connection with the aforesaid OVI Task Force grant, in furtherance of the City's participation in the "Click It or Ticket" program.

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 and authorizes the Mayor's entering into a Services Agreement with University Hospitals of Cleveland for 2018, a copy of which is attached hereto as Exhibit A; and further authorizes and directs the Mayor and other appropriate officers of the City to do all things necessary in furtherance thereof.

**Section 2.** That any funds required to meet the City's obligation under this Agreement, if any, have been appropriated in accordance with law and shall be paid 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.

**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 it is immediately necessary to approve and authorize this agreement in order to participate in the Cuyahoga County OVI Task Force grant program and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 183  
Page 2

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. 2017-183 Amended: \_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

**CONTRACT**  
**UNIVERSITY HOSPITALS OF CLEVELAND**

**SERVICES AGREEMENT**

THIS AGREEMENT, entered into as of this 1st Day of October 2017, by and between: UNIVERSITY HOSPITALS OF CLEVELAND, Cleveland, Ohio (hereinafter referred to as the 'UHC') and the city of Strongsville and its Police Department (hereinafter referred to as the 'subgrantee'), WITNESSETH:

WHEREAS, the UHC has received the Cuyahoga County OVI Task Force grant OVI-2018-University Hospitals Clev-00010 from the Ohio Department of Public Safety (ODPS) and is desirous of engaging the contract agency to provide targeted enforcement activity in completion of the aforementioned grant.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

**I. SERVICE RENDERED BY SUBGRANTEE**

Targeted enforcement by sworn law enforcement officers done at approved problem sites in accordance with all applicable laws and grant terms. Targeted enforcement will be conducted in support of the Cuyahoga County OVI Task Force project goals, which are to decrease the incidence of OVI violations, decrease crashes where alcohol is a contributing factor, increase enforcement of OVI laws, enforce Ohio's occupant protection laws at sobriety checkpoints and saturation patrols with a zero-tolerance policy for non-compliance participate in state and national mobilizations, use the low manpower OVI checkpoint model to conduct low-cost, highly-effective OVI checkpoints throughout Cuyahoga County and decrease incidence in Cuyahoga County of the following: fatal crashes, alcohol-related fatal crashes, alcohol-related motorcycle crashes. In addition:

- a.) Law Enforcement Reports: In months that the subgrantee conducts grant-related activity, the subgrantee will report traffic enforcement activity on the Cuyahoga County OVI Task Force Report Form and/or OVI Checkpoint Activity Form and financial claim information on the Invoice Form. Monthly activity reports shall be submitted to the UHC by the 10th day of the following month. Reports must be submitted electronically (no paper forms) via e-mail. Reporting must be submitted electronically using the forms provided by the UHC via email or flash drive (subgrantee preference) to the subgrantee representative(s). Justification for sites selected for enforcement activity should be documented and maintained as a part of the subgrantee's file for this Agreement.
- b.) Training Certification: The subgrantee will assure that all enforcement personnel to be involved in approved enforcement-related activity will be certified in the following types(s) of training, as appropriate:
  - Speed-related Traffic Enforcement -- Proper Use of Speed Detection Equipment Training
  - Sobriety Checkpoints/Alcohol-related Traffic Enforcement --SFST Training and Sobriety Checkpoint Training: training in standard procedures and operations associated with staffing and staging low manpower OVI checkpoints and saturation patrols.
- c.) Enforcement Hours Eligibility: Direct labor hours expended in traffic safety enforcement programs must be over and above the normal active pay status workweek as defined in the subgrantee's work rules or contracts. Part-time permanent staff is eligible for funding. Only one officer per patrol car will be funded as part of traffic enforcement grants.
- d.) Safety Belt Policy: Subgrantee must have a policy statement requiring employees to wear safety belts. All personnel working under this contract must wear safety belts. Subgrantee must agree to conduct zero-tolerance enforcement of Ohio's occupant restraint laws.
- e.) Enforcing Safety Belt Laws: Subgrantee will enforce all safety belt and child passenger safety (CPS) laws on all traffic stops made under this grant.
- f.) Pursuit Policy: Subgrantee must have a policy statement regarding the guidelines for making decisions with regard to

EX. 1



vehicular pursuit in accordance with NHTSA and IACP recommendations.

- g.) **Fatal Crash Data Review Committee:** Subgrantee must provide crash reports in which there was a fatality to the UHC within 30 days of a fatal crash. Subgrantee must agree to participate in the Fatal Crash Review Committee

to review fatal crash reports to determine patterns or trends that can aid in developing future traffic safety countermeasures

- h.) **Required activity:** All agencies receiving federal funding for overtime enforcement are required to participate in and report by the required deadlines on the "Click It or Ticket" (CIOT) mobilization and the Labor Day Alcohol mobilization. Scheduled dates for the mobilizations are: CIOT -- May 21--June 3, 2018. Alcohol mobilization -- August 17 -- September 3, 2018. These dates are subject to change according to Federal requirements.

## **II. COMPENSATION AND PAYMENT**

Compensation shall be on the basis of direct costs based on actual activity completed, not to exceed **\$8,000.01** for all services performed under this Agreement. To be eligible for reimbursement, subgrantee will complete and submit an invoice detailing name and rank of officer working the overtime activity, date, time and hours worked, overtime rate earned and check/warrant/voucher number of overtime payment. Subgrantee will provide a detail of citations issued and arrests made during overtime activity using a form provided by the UHC. Reimbursement will only be made for actual costs incurred in support of the project. Reimbursement will not be made for activity that is considered **supplanting**, including: (a.) replacing routine and/or existing expenditures with the use of Federal grant funds and/or (b.) using Federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of the subgrantee. All payments under this Agreement shall be subject to recovery by the ODPS or other Federal or state governmental agencies in the event not deemed not to comply with any applicable requirements.

This agreement is to be funded under the federal grant program that begins October 1, 2017. Funding of this Agreement is dependent upon the availability of federal funds as appropriated and obligated by the US Department of Transportation and the Ohio Department of Public Safety for FFY2018. Should any change in federal or State of Ohio funding adversely affect the UHC's ability to implement an approved agreement, the UHC reserves the right to revise or terminate any approved contract in writing without liability. For additional information regarding the termination of an approved FFY2018 agreement, refer to section VIII of this Agreement.

The UHC reserves the right to limit agreement amounts at any time based on performance and/or available funding.

## **III. DELIVERY OF SERVICES**

The subgrantee will complete all work no later than September 30, 2018.

Performance reports will be required on a monthly as-worked basis. Performance reports shall include brief information on (1) detailed cost/billing information completed on the *Invoice Form*; (2) *Cuyahoga County OVI Task Force Report Form* and/or the *OVI Checkpoint Activity Form*.

The Subgrantee may not secure a patent or copyright in the United States or any other country for any product resulting from this Agreement.

## **IV. SUBCONTRACTORS**

The subgrantee shall not subcontract, in whole or in part, with any other firm, partnership, corporation, or entity to perform the service to be done on this project without prior approval from the UHC.

The Subgrantee warrants that it has not employed or retained any company or person other than a bona fide employee working solely for the Subgrantee to solicit or secure this agreement and has not paid or has not agreed to pay any fee, commission, percentage, brokerage fee, gift, or contingent fee in violation hereof.

## **V. MAINTENANCE OF RECORDS**

Subgrantee shall maintain all records pertaining to this contract for a minimum of three (3) years and pursuant to the requirements of the Ohio Department of Public Safety. This Agreement provides the right of any authorized representative of the federal or state government to audit and inspect any and/or all project-related records at all reasonable normal working hours during the contract period and for a period of three (3) years after the completion of this contract.

Subgrantee shall obtain and retain in force worker's compensation and proof of liability insurance for its employees and autos operated by them for and during their employment. Certification of Insurance will be provided to the UHC before the start of this contract.

## **VI. ASSURANCE REGARDING PARENT CONTRACT**

The provisions of this agreement include all of the conditions and assurances of the parent agreement OVI-2018-University Hospitals Clev-00010 dated October 1, 2017 between the Ohio Department of Public Safety and the UHC and all additional subgrantee provisions which are attached hereto as an appendix, and compliance with all applicable laws, all of which are incorporated as if fully set forth herein.

## **VII. SANCTIONS FOR NON-COMPLIANCE**

Should Subgrantee fail to fulfill any of its contractual duties in a timely manner, the UHC shall notify subgrantee in writing as to such deficiencies. Such notification shall be sent by certified mail, return receipt requested. Subgrantee shall have 30 days to resolve such deficiencies, unless otherwise stated by UHC.

If a dispute over the terms of this Agreement arises, such dispute shall be resolved in the manner set out by the policies of the Ohio Department of Public Safety.

## **VIII. TERMINATION**

Either party may terminate **FOR CAUSE** with 30 days prior written notice. Subgrantee understands the nature of work to be conducted under this Agreement and, in view of the time restrictions imposed by the Ohio Department of Public Safety; the work must be completed in a timely manner. Therefore, Subgrantee agrees that if it is the terminating party, it shall provide all necessary information at no additional cost, to the subsequent party fulfilling the duties set forth in this agreement.

Should this Agreement be terminated with cause by the UHC, said UHC will be financially obligated only for those services rendered prior to the termination of this Agreement. In the event this Agreement is terminated due to lack of governmental funding, UHC shall have no liability of any kind to subgrantee.

## **XI. DISCLAIMER**

This agreement disclaims the Ohio Traffic Safety Office, Ohio Department of Public Safety, UHC, and University Hospitals Health System, and their affiliates, officers, directors and employees (Collectively "UHHS") and the Federal government from liability of any kind, including, but not limited to, Workers' Compensation, FICA, unemployment compensation, or any other obligation or payment of an employer/employee relationship between the Subgrantee and its employees.

This Agreement disclaims the Ohio Traffic Safety Office, the Ohio Department of Public Safety, the Federal Government (e.g., National Highway Traffic Safety Administration, Federal Highway Administration), and UHHS from harm from suits, actions or claims resulting from negligence, acts or omissions by the Subgrantee.

## **X. ADDITIONAL TERMS**

Subgrantee shall comply with all federal, state, county, township and local government statutes, laws, regulations, ordinances and resolutions.

During the term of this agreement, the Subgrantee for itself, its assignees, and successors in interest, agrees to comply with the following regulations including any amendments thereto and all other applicable requirements as if fully set forth herein:

- A. Nondiscrimination requirements in federally assisted programs of the U.S. Department of Transportation, Title 49 Code of Federal Regulations.
- B. Minority Business Enterprise and Women's Business Enterprise subcontracting requirements as set forth by Title 49, Code of Federal Regulations.
- C. Rehabilitation Act of 1973 and Title VII of 49 Code of Federal Regulations.
- D. Equal Opportunity requirements set forth by Title 41 Code of Federal Regulations and Executive Order 11246.
- E. Labor Relations requirements set forth in sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by the Department of Labor Regulations (29 CFR, Part 5).
- F. Energy Policy requirements contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).

All reports shall include the following statement:

"Funding provided in part or solely by the: National Highway Traffic Safety Administration, Federal Highway Administration, Ohio Department of Public Safety, and Ohio Traffic Safety Office."

Studies and evaluations should also include the following disclaimer:

"The opinions, findings, and conclusions expressed in this publication are those of the author and not necessarily those of, the National Highway Traffic Safety Administration, Federal Highway Administration, Ohio Department of Public Safety and the Ohio Traffic Safety Office."

Subgrantee represents and warrants, that its best knowledge and belief, no part of any consideration paid under the Agreement is a prohibited payment for the recommending or arranging for the referral of business or the ordering of items or services; nor are the payments intended to induce illegal referrals of business or other illegal conduct. Subgrantee represents and warrants that Subgrantee and its agents shall comply at all times with all laws applicable to the conduct of the Study (including but not limited to all FDA, Stark, Anti-Kickback and other laws and regulations) and are not and shall not be debarred, excluded, suspended or otherwise determined to be ineligible to participate in any federal or state healthcare program or Federal procurement or nonprocurement program (collectively "Ineligible"). Subgrantee shall immediately notify UHC if Subgrantee becomes Ineligible, in which event UHC may immediately terminate this Agreement. In the event any agent becomes Ineligible, Subgrantee agrees to immediately remove such party from participation in any responsibilities related to this Agreement.

## XI. SIGNATURES

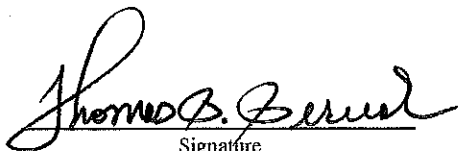
\_\_\_\_\_  
Signature

Daniel I. Simon, M.D.

President

UHCMC

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

  
Signature

Name: THOMAS P. PERCIAK

Title: MAYOR

Organization: CITY OF STRONGSVILLE

Date: 10-24-2017



## **Ohio Traffic Safety Office**

### **Provisions for Sub-Grantee**

The following are provisions that shall be used by the sub-grantee when entering into an agreement (contract) when funds administered by the Ohio Department of Public Safety (ODPS), Ohio Traffic Safety Office (OTSO) that total \$5,000 or more are used. This provision includes requirements of both the federal and state government.

**Note:** For clarification purposes the word contractor is the agency, vendor, individual, etc., that the sub-grantee is contracting with for the desired scope of service.

#### **PROVISION 1      Security Agreement Disclaimer**

The sub-grantee warrants that he has not employed or retained any company or person other than a bona fide employee working solely for the Consultant to solicit or secure this agreement, and that he has not paid or has not agreed to pay any fee, commission, percentage, brokerage fee, or other considerations contingent upon or resulting from the awarding or making of this agreement.

For breach or violation of this warrant, the State, in conjunction with the sub-grantee, shall have the right to annul this agreement without liability, or in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

Either party may terminate this agreement by giving the other party written advance notice of its election to do so. If the contract is canceled under this provision, the sub-grantee shall reimburse the Contractor for all work completed and in progress to that date. Upon termination and final payment, all design materials, artwork any other items/products developed by the Contractor shall become the property of the sub-grantee.

#### **PROVISION 2      Reporting Requirements**

Performance reports will be required to be submitted by the contractor as frequently as required by the sub-grantee. Performance reports shall include brief information on (1) a comparison of actual accomplishments to the objectives established for the period and can include a computation of the cost per unit of output (2) the reasons for slippage if established objectives were not met (3) pertinent information including analysis and explanation of cost overruns or high unit cost.

### **PROVISION 3      Patent Rights/Copyrights**

Neither the Contractor nor any of the Contractor's employees, agents, subcontractors or assigns shall make a disclosure for the purpose of securing a patent or copyright in the United States or any other country for any product resulting from this agreement unless such disclosures approved in writing by the sub-grantee prior to application for the patent/copyright. In the event that such patent/copyright is obtained, the Contractor shall provide the sub-grantee written authorization for the sub-grantee and any other person, agency or instrumentality contributing financial support to the work covered by this agreement to make use of the subject of said patent/copyright disclosure without payment.

### **PROVISION 4      Audit Practices**

The contractor agrees access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

### **PROVISION 5      Equal Employment Opportunity (E.E.O.)**

The sub-grantee and contractor must abide by all E.E.O. regulations, including but not limited to, Executive Order 11264 of September 24, 1965 "Equal Employment Opportunity" as amended by Executive Order 11375 of October 13, 1967 and as supplemented in Department of Labor regulations. (41 CFR Chapter 60) and Section 3(a)(2)(C) of the UMT Act of 1934, as amended, which prohibits the use of exclusionary or discriminatory specifications.

### **PROVISION 6      Certification Regarding Lobbying**

None of the funds under this program will be used for any activity specifically designed to urge or influence a Federal, State, or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any Federal, State, or local legislative body. Such activities include both direct and indirect (e.g. "grassroots") lobbying activities, with one exception. This does not preclude an official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, as long as this activity is documented in writing.

### **PROVISION 7      Labor Relations**

The sub-grantee and contractor must comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5).

### **PROVISION 8      Assurances Regarding the Parent Agreement**

The provision of this agreement includes all of the terms and conditions and assurances of the parent agreement between the ODPS and the sub-grantee and is attached hereto as an Appendix. (The sub-grantee shall attach the parent agreement.)

### **PROVISION 9      Record Retention**



The sub-grantee and contractor shall retain all required records for three years after grantee or sub-grantees make final payments and all other pending matters are closed.

## **PROVISION 10      Liability Disclaimer**

The parties agree that the ODPS, OTSO, is not the employer of any personnel involved in said contract. The sub-grantee agrees to pay any wages and related tax obligations resulting from employment of personnel in order to perform the terms of this contract.

## **PROVISION 11      Line of Credit**

That the sub-grantee or contractor shall carry a credit line on the cover or first page of any report that reads substantially as follows:

Funding provided in part or solely by the:

National Highway Traffic Safety Administration

Federal Highway Administration

Ohio Department of Public Safety

Ohio Traffic Safety Office

Studies, evaluations, etc., shall also include the following disclaimer.

“The opinions, findings, and conclusions expressed in this publication are those of the author and not necessarily those of, the National Highway Traffic Safety Administration, Federal Highway Administration, Ohio Department of Public Safety and the Ohio Traffic Safety Office.”

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CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 184

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE AMENDING CHAPTER 1601, FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, 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 Chapter 1601 Fire Code, of Part Sixteen of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

**CHAPTER 1601**

**~~Ohio~~ Fire Code**

1601.01	Definitions.
1601.02	Adoption by reference.
1601.03	Purpose.
1601.04	Application.
1601.05	File and distribution copies.
1601.06	Enforcement.
1601.07	Establishment and duties of <del>the</del> Fire Marshal's Office.
1601.08	Conflicts.
1601.09	Fire protection systems.
1601.10	Fire hydrants and Fire <del>Department connections</del> mains.
1601.11	Use of hydrants.
1601.12	Number of occupants permitted.
1601.13	Smoke detectors.
1601.14	Trees and decorations.
<del>1601.15</del>	<del>Open burning.</del>
1601.165	Propane sales and storage.
1601.176	Fireworks possession and sales.
1601.187	Setting fires.
1601.198	Use of barbecue grills.
1601.19	<del>Chinese lanterns.</del>
1601.20	Fire damaged property.
1601.21	False alarms.
1601.22	Unfriendly fire in building; alarm duties.
1601.23	Disclosure of true status.
1601.24	Permit and approval fees.
1601.25	<del>Building, site and fire system plans.</del>
1601.256	Compliance.
1601.267	Notice of violation.
1601.99	Penalty.

**1601.01 DEFINITIONS.**

Words in this Chapter are normally defined according to their ordinary English usage. Certain terms are, however, defined in this Chapter and wherever used in this Chapter, they shall have the meanings set forth herein, unless the context clearly indicates a different meaning.

- (a) "Fire Marshal's Office" shall mean the Strongsville Fire Chief, the Strongsville Fire Marshal, any assistant fire marshal, any certified fire safety inspector, and such members of the Fire Department as designated by the Fire Chief.
- ~~(b) "NFPA" shall mean the National Fire Prevention Association.~~
- (eb) "Person" shall mean a natural individual or an organization, such as, but not limited to, a corporation, partnership, limited liability company, joint venture, unincorporated association, estate, trust, or other commercial or legal entity.
- (dc) "Property Owner" shall mean a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.02 ADOPTION BY REFERENCE.**

Pursuant to Ohio R.C. Section 731.231, there is hereby adopted by the Municipality, the "Ohio Fire Code", ~~2005-2011~~ edition, as published by the International Code Council, as adopted by the State of Ohio in Chapter 1301:7 of the Ohio Administrative Code except such portions as may be hereinafter deleted, modified or amended.

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.03 PURPOSE.**

The purpose of the Ohio Fire Code is to prescribe minimum standards and regulations in order to provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations.

(Ord. 2006-217. Passed 11-6-06.)

**1601.04 APPLICATION.**

The Ohio Fire Code as adopted herein shall be applicable to those structures, facilities and conditions as specified therein.

(Ord. 2006-217. Passed 11-6-06.)

**1601.05 FILE AND DISTRIBUTION COPIES.**

Copies of the Ohio Fire Code are on file with the Clerk of Council for inspection by the public and are also on file in the County Law Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost.

(Ord. 2006-217. Passed 11-6-06.)

**1601.06 ENFORCEMENT.**

(a) The Fire Marshal's Office is herein designated to enforce the provisions of this Chapter, except where otherwise specifically set out to the contrary.



(b) Upon request of the Fire Marshal's Office, the Law Department may institute and prosecute any necessary criminal or civil action or proceeding to enforce the provisions of this Chapter or Ohio Revised Code Chapter 3737.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.07 ESTABLISHMENT AND DUTIES OF FIRE MARSHAL'S OFFICE.**

(a) There is hereby established the Fire Marshal's Office of the Strongsville Fire and Emergency Services, which office shall be operated under the supervision of the Fire Chief.

(b) The member of the Fire Department in charge of the Fire Marshal's Office shall be designated by the ~~f~~Fire ~~e~~Chief and approved by the Director of Public Safety. The title "Fire Marshal" shall identify said person who shall be a ~~e~~Certified ~~f~~Fire ~~s~~Safety ~~i~~Inspector pursuant to ORC Section 3737.34.

(c) The Fire Chief shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Chapter.

(d) The Fire Marshal's Office shall have the following responsibilities:

- (1) The prevention of fires;
- (2) The education of the populace by fire prevention programs;
- (3) The inspection of the installation, maintenance and testing of all new and existing fire protection systems, devices, units and fire safety equipment.
- (4) The inspection of the storage and use of explosives, flammables, combustibles and hazardous materials;
- (5) The inspection of the maintenance and regulation of all means of egress for new and existing buildings;
- (6) The inspection of the maintenance of protection and the requirement of elimination of fire and safety hazards in buildings and structures, including those under construction;
- (7) The investigation of the cause, origin and circumstances of fires.
- (8) The enforcement of all laws, ordinances, and regulations dealing with this Chapter, the City's Fire Code, and any other applicable fire code or law.

(e) The Fire Marshal's Office shall have such other powers and perform such other duties as are set forth in other sections of the Ohio Fire Code, as designated in other ordinances, and as assigned by the Fire Chief. This designation of duties shall not relieve any other department, officer or employee of the Municipality of any duty conferred upon that department, officer or employee by law.

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.08 CONFLICTS.**

In all cases of conflict between the Ohio Fire Code, this Chapter, and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

(Ord. 2006-217. Passed 11-6-06.)

**1601.09 FIRE PROTECTION SYSTEMS.**

(a) No person shall install, rehabilitate, or modify a fire protection system until a plan is submitted by or on behalf of the person to the Fire Marshal's Office ~~and the Building Commissioner or his designee~~ for review and approval and a permit for the fire protection system is issued.



After the installation of a fire ~~suppression-protection~~ system, **final acceptance testing shall be performed** ~~the Property Owner shall have the system tested~~ in the presence of and approved by the Fire Marshal's Office. The Property Owner **or its authorized agent** shall notify the Fire Marshal's Office at least two (2) work days prior to having any **final acceptance** test performed on the system.

(b) After the installation of a fire suppression system **and its approval by the Fire Marshal's Office**, the Property Owner **or its authorized agent** shall maintain the system in good working order and repair and in compliance with all approved plans. **The Property Owner or its authorized agent shall notify the Fire Marshal's Office at least two (2) work days prior to having any system maintenance testing that may be required by the Fire Marshal's Office. The Fire Marshal's Office shall have the right to witness any and all tests.**

(c) The Property Owner **or its authorized agent** shall keep detailed records documenting all fire suppression systems, equipment testing, and maintenance.

(d) The Property Owner **or its authorized agent** shall maintain, cap and paint the Fire Department ~~hose-~~**eConnection** ("FDC") and associated riser pipes required for fire protection systems. Sprinkler system FDC shall be painted red, standpipe FDC shall be painted yellow, and private hydrant FDC shall be painted blue.

(e) ~~Any FDC's for~~ sprinkler systems shall be located on the water vault and within twenty (20) feet of the street unless approved otherwise by the Fire Marshal. **At the request of the Fire Marshal's office, a secondary FDC serving the sprinkler system shall be accessible to the Fire Department apparatus and located within forty (40) feet of the fire apparatus staging area. Said secondary FDC serving the sprinkler system shall be attached to the demand side of the sprinkler system in a location approved by the Fire Marshal's Office.**

(f) A white strobe light shall be installed on buildings protected by a fire pump ~~on a corner in an area within the upper one-third (1/3) of the exterior~~ of the building that can be readily seen from the FDC. The strobe light shall continually flash indicating when the fire pump is running. **Final placement of the strobe light may be altered by the Fire Marshal's office due to special circumstances.**  
(~~Ord. 2006-217. Passed 11-6-06.~~)

#### **1601.10 FIRE HYDRANTS AND FIRE ~~DEPARTMENT CONNECTIONS~~MAINS.**

(a) Whenever the distance from any portion of **any multi-family, commercial, business, mercantile, industrial, public assembly, or education use building** ~~a structure~~ to a public hydrant is more than **three hundred (300)** feet, the Fire Marshal's Office ~~may~~**shall** require a Property Owner to install private yard hydrants. Plans showing the location, size and connections of the private hydrant system shall be submitted by the Property Owner to the Fire Marshal's Office for approval. The plans shall be to scale and include the details necessary to indicate clearly all hydrants and appurtenances. The plans shall be accompanied by detailed specifications covering the material and features relating to the installation. No private hydrant shall be installed on any water line less than **six (6)** inches in diameter. A permit from the City's Building Department shall be required before the installation of a fire hydrant.



When private hydrants are required, they shall be located not more than **ten (10)**-feet from a driveway or parking area and spaced not more than **three hundred (300)** feet apart. Hydrants shall be placed a minimum of **fifty (50)** feet from the structures protected unless otherwise approved by the Fire Marshal's Office.

All hydrant barrels shall be a minimum of **six (6)** inches in size, with triple connections, and shall have an approved underground shut-off valve located not more than **ten (10)** feet from the hydrant.

(b) The Property Owner shall maintain the fire hydrant and the fire hydrant system in good working order and repair and in compliance with all approved plans.

**(c) All control valves on a fire main serving a building shall be of an exterior indicating type.**

**(d) Within one (1) year of ground breaking, proof of flow testing of the street fire main shall be provided to the Fire Marshal's Office and the Building Commissioner or his designee at the cost of the Property Owner or its authorized agent.**

~~(Ord. 2006-217. Passed 11-6-06.)~~

#### **1601.11 USE OF HYDRANTS.**

(a) No person, except ~~F~~**fire** ~~d~~**Department** personnel, shall remove the cap or cover from, or turn on or off, any public or private fire hydrant, water valve or stopcock used for fire protection without first notifying the Fire Marshal's Office and obtaining approval to do the same.

(b) No person, except Fire Department personnel, shall connect to any fire hydrant or take water therefrom without first applying for and receiving a permit from the Fire Marshal's Office.

~~(Ord. 2006-217. Passed 11-6-06.)~~

#### **1601.12 NUMBER OF OCCUPANTS PERMITTED.**

(a) A Property Owner of any place of assembly shall post a legible sign in contrasting colors, stating the maximum number of occupants permitted by law. The sign shall be posted in a permanent, conspicuous location at the place of assembly.

(b) A Property Owner of any place of assembly shall monitor the number of occupants and shall not permit more occupants than the maximum number of occupants permitted by law.

(c) In the event that the number of occupants exceeds the maximum number permitted by law, the Fire Marshal's Office or the Building Commissioner or his designee shall order the immediate necessary action to remedy the situation, including but not limited to the closing of the structure entirely.

~~(Ord. 2006-217. Passed 11-6-06.)~~

#### **1601.13 SMOKE DETECTORS.**

The Property Owner of a motel, hotel and/or structure for transient guests shall install and maintain hard-wired smoke detectors with battery backup in all rooms designated or intended for sleeping. In structures where the hard-wired detector is not connected to an alarm panel, a conspicuous notice shall also be posted on the interior of each entry door of a room



designed or intended for sleeping advising the occupant to test the smoke detector and to inform management if the detector is not operable.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.14 TREES AND DECORATIONS.**

No Property Owner or occupant of a multifamily, commercial, business, mercantile, industrial, public assembly, or educational use ~~structure-building~~ shall permit a ~~live or natural~~ cut tree, or ~~other decorative vegetation-other decorations~~, which in the opinion of the Fire Marshal ~~may~~ constitute a safety hazard, ~~in the structure without first having obtained written permission from the Fire Marshal's Office.~~  
(Ord. 2006-217. Passed 11-6-06.)

~~**1601.15 OPEN BURNING.**~~

~~No person shall engage in or allow open burning or recreational fires, as defined by the Ohio Fire Code, on any property except as specifically permitted in the Ohio Fire Code and subject to the following provisions.~~

- ~~(a) General. Fuel for open burning and recreational fires shall consist of seasoned dry wood only. All other materials are prohibited, including but not limited to rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather, or petroleum-based materials and shall not contain any flammable or combustible liquids.~~
- ~~(b) Permit Required. No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained on any premises without first having obtained a permit or other authorization from the Fire Marshal's Office. All permits shall be requested by and issued to the owner of the land upon which the fire is to be kindled.~~
- ~~(c) Prohibited Fires. The Fire Marshal may prohibit any or all open burning or recreational fires when atmospheric conditions or local circumstances make such fire hazardous or which are or could be offensive or objectionable due to smoke or odor emissions. Any member of the Fire Department may order or perform the extinguishment of any fire which creates or adds to a hazardous or objectionable situation.~~
- ~~(d) Permit Fee. The fee for each permit to open burn shall be Ten Dollars (\$10.00). No permit shall be issued for a period longer than twenty four (24) hours.~~

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.165 PROPANE SALES AND STORAGE.**

~~In premises accessible to the public, N~~no person shall store liquid propane gas in excess of ~~two hundred (300200)~~ pounds or sell propane in ~~any volume whatsoever excess of fourteen (14) pounds~~ without having first obtained a permit from the Fire Marshal's Office. The permit shall be issued only if the storage or sale of propane is done in a safe manner and in compliance with all applicable laws. Permits shall be renewed on an annual basis. The filling or refilling of propane tanks shall occur only in areas zoned General Industrial.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.176 FIREWORKS POSSESSION AND SALES.**

No person shall sell, store, or possess any fireworks except as specifically permitted in Chapter 1619 of the Codified Ordinances.  
(Ord. 2006-217. Passed 11-6-06.)



**1601.187 SETTING FIRES.**

No person shall set, kindle, or cause to be set or kindled, any fire, which through the person's negligence spreads to any structure, field, or wooded lot.

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.198 USE OF BARBECUE GRILLS.**

(a) No person shall start or maintain a fire to be used for the preparation of food or for any other purpose on or below any building balcony in an apartment or multifamily dwelling or within **twenty (20)** feet of any structure housing three or more families.

(b) No Property Owner of an apartment or multifamily dwelling shall knowingly permit or allow a fire contrary to the provisions of ~~s~~Section 1601.198(a).

(c) No person shall store or permit to be stored any propane tank or container in an apartment or multi-family structure or on a balcony or patio of an apartment or multifamily dwelling.

(d) Each Property Owner of an apartment or multifamily dwelling shall post and maintain a sign in a conspicuous place on the property informing all residents and occupants of the provisions of Section 1601.198(a).

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.19 CHINESE LANTERNS.**

**No person shall release to the atmosphere any object that is on fire. This ban includes, but is not limited to, novelty hot air devices commonly known as "Wish Lanterns," "Chinese Lanterns," "Kung Ming Lanterns," "Sky Lanterns," or any other similar device which is set on fire and released to the atmosphere.**

**1601.20 FIRE DAMAGED PROPERTY.**

(a) A Property Owner shall secure from tampering or trespassing any property or structure which has been damaged by fire within **twenty-four (24)** hours from the time of the incident.

(b) A Property Owner shall clean up any property or structure which has been damaged by fire within **forty-eight (48)** hours from the time of the incident.

(c) A Property Owner shall repair, or demolish, and clean up any property or structure damaged by fire within **nine (9)** months of its release by the Strongsville Fire Marshal's Office.

(d) If a Property Owner fails to comply with Section 1601.20 (a), (b), or (c), the Fire Marshal's office shall notify the Property Owner by certified mail to comply with the law within **forty-eight (48)** hours of the date of mailing of the notification. If the Property Owner fails to comply with the notification within this time period, the City may take the appropriate action required of the Property Owner pursuant to this Section 1601.20. In such event, the City may recover its cost of doing so by certifying its cost to the County Auditor and having the cost placed against the property on the tax duplicate to be collected as all other property taxes are collected.

~~(Ord. 2006-217. Passed 11-6-06.)~~



**1601.21 FIRE-FALSE ALARMS.**

No person shall knowingly create, cause, or turn in a false fire alarm.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.22 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.**

(a) The Property Owner or lessee, an employee of any Property Owner, lessee, an occupant, and any person in direct control of any building or structure within the City, regulated under the Ohio Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.23 DISCLOSURE OF TRUE STATUS.**

No person who is not from the Fire Marshal's Office shall act as such or hold himself **or herself** out to be such.  
(Ord. 2006-217. Passed 11-6-06.)

**1601.24 PERMIT AND APPROVAL FEES.**

The responsible party shall pay the following permit or approval fee to the City at the time that a permit or approval is requested:

- (a) Approval or permit fee for use of a public or private hydrant pursuant to Section 1601.11 is ~~five dollars~~ **Ten Dollars** (\$~~5~~**10**.00) for a one day use; ~~and is twenty-five dollars~~ **Fifty Dollars** (\$~~25~~**50**.00) for up to a thirty **(30)** day use; ~~and Two Hundred Dollars~~ **(\$200.00) for up to a one hundred eighty (180) day use.**
- (b) Annual permit fee for any premises **that are accessible to the public** that stores propane gas in excess of ~~300~~ **two hundred (200)** pounds is ~~One Hundred~~ **dDollars** (\$100.00). Annual permit fee for any premises **that are accessible to the public** that sells filled ~~46~~ **fourteen (14)** pound or larger propane tanks or containers (without filling or refilling on the premises) is ~~One Hundred~~ **dDollars** (\$100.00). Annual permit fee for any premises **that are accessible to the public** that fills or refills propane tanks or containers on the premises is ~~One Hundred~~ **fifty dDollars** (\$150.00).

(Ord. 2006-217. Passed 11-6-06.)

**1601.25 BUILDING, SITE AND FIRE SYSTEM PLANS.**

**The Property Owner or its authorized agent shall submit to the Fire Marshal's Office all approved building, site and fire system plans in a suitable electronic media format.**

**1601.256 COMPLIANCE.**

No person shall ~~knowingly~~ violate any provision of **this Chapter and** the Ohio Fire Code as adopted herein or any order issued pursuant thereto.  
(Ord. 2006-217. Passed 11-6-06.)



**1601.267 NOTICE OF VIOLATION.**

(a) Whenever the Fire Marshal's Office observes an apparent or actual violation of a provision of this code or other codes or ordinances under the Fire Marshal's jurisdiction, the Fire Marshal's Office shall prepare a written notice of violation describing the violation and specifying the time limitations for remedying of the violation.

(b) The written notice of violation shall be served upon any Property Owner. Such notice of violation shall be served either by delivering a copy of the violation to such person by certified mail addressed to the last known post office address, delivering the notice in person, or in the case that no such person can otherwise be served by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access of the property in violation.

(c) If the notice of violation is not complied with within the time specified by the Fire Marshal's Office, the Fire Marshal's Office may cite the person responsible for the violation and may request the Law Department to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure in violation of the provisions of this Chapter, the Ohio Fire Code, or any order or direction made pursuant thereof.

~~(Ord. 2006-217. Passed 11-6-06.)~~

**1601.99 PENALTY.**

Whoever violates or fails to comply with any provision of this Chapter or any order issued pursuant thereto shall be subject to the following penalties:

(a) Criminal Penalties.

- (1) Whoever violates either Section 1601.165, ~~or~~ 1601.23 or 1601.26 is guilty of a misdemeanor of the first degree.
- (2) Whoever violates either Section 1601.09(a), 1601.11(a), 1601.12(b), or 1601.21 is guilty of a misdemeanor of the second degree.
- (3) Whoever violates either Section 1601.09(b), 1601.10(b), 1601.11(b), 1601.13(a), 1601.14, ~~1601.15(c)~~ or 1601.187 is guilty of a misdemeanor of the third degree.
- (4) Whoever violates either Section ~~1601.15(a), 1601.15(b),~~ 1601.19(a), 1601.20(a), 1601.20(b), or 1601.20(c) is guilty of a misdemeanor of the fourth degree.
- (5) Whoever violates Section 1601.09(c), 1601.198(b), 1601.198(c), 1601.22, or any other section for which no other penalty is provided is guilty of a minor misdemeanor.

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of this Chapter, the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than ~~One~~ ~~Thousand~~ ~~d~~Dollars (\$1,000.00) for each such violation.
- (2) Any person who has received a citation for a violation of this Chapter, the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious violation, may be assessed a civil penalty of not more than ~~One~~ ~~Thousand~~ ~~d~~Dollars (\$1,000.00) for each such violation.



- (3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than ~~e~~One ~~t~~Thousand ~~d~~Dollars (\$1,000.00) for each day during which such failure or violation continues **for each such violation.**
- (4) Any person who violates any of the posting requirements, as prescribed in this Chapter, shall be assessed a civil penalty of not more than ~~e~~One ~~t~~Thousand ~~d~~Dollars (\$1,000.00) for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of any previous violations shall be given consideration whenever a penalty is assessed under this ~~e~~Chapter.
- (6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons **or property** could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.
- (7) Civil penalties imposed by this ~~e~~Chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Berea Municipal Court or the Cuyahoga County Court of Common Pleas.

(Ord. 2006-217. Passed 11-6-06.)

**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 this Council, and of 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 public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the 2011 Ohio Fire Code as issued or promulgated by the State of Ohio and as modified herein in order to provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations. 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: _____

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 184  
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	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

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

ORD. No. 2017-184 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 185

By: Mayor Perciak and Mr. Carbone

**AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 2017-084 CONCERNING THE APPROPRIATION AND TRANSFER OF FUNDS IN CONNECTION WITH THE PURCHASE OF FOUR (4) WESTERN STAR 4700SF TANDEM AXLE CAB AND CHASSIS UNITS, AND FIVE (5) WESTERN STAR 4700SB SINGLE AXLE CAB AND CHASSIS UNITS, FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.**

WHEREAS, through passage of Ordinance No. 2017-084, the Council approved and authorized the Mayor to enter into a contract with Valley Freightliner, Inc., through the Ohio Department of Transportation, for the purchase of four (4) Western Star 4700SF tandem axle cab and chassis units, and five (5) Western Star 4700SB single axle cab and chassis units; and

WHEREAS, the City's Director of Finance has recommended that it will be beneficial to amend Section 4 of Ordinance No. 2017-084 in order to provide an additional and proper fund to be utilized for payment of such equipment.

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

**Section 1.** That Section 4 of Ordinance No. 2017-084 is hereby amended to read in its entirety as follows:

**“Section 4.** That the funds for the purposes of said contract have been appropriated and shall be paid from the Street Construction, Maintenance and Repair Fund; **and Sanitary Sewer Fund.**”

**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 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 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 amend the prior Ordinance in order to provide for additional funds for payment of equipment purchases under the contract, 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.



CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 185  
Page 2

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

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

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

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

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

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

ORD. No. 2017-185 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. 2017 – 186**

**By: Mr. Carbone**

**AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN OBSOLETE AND SURPLUS VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That this Council finds that the Police Department of the City of Strongsville has various obsolete and surplus vehicles, as described in Exhibit "A", copy of which is attached hereto and incorporated herein by reference, which are unfit for public use by reason of obsolescence or as surplus items, and are no longer needed for any municipal purpose; and further finds that it will be in the best interests of the City that such vehicles be sold at a public auction.

**Section 2.** That, pursuant to Article IV, Section 3(e) of the City Charter, the Mayor and Director of Finance be and are hereby authorized and directed to sell such vehicles at public auction.

**Section 3.** That the Director of Finance and the Mayor are authorized to retain the services of the Greater Cleveland Auto Auction to effectuate the sale of all such vehicles for auction; and the Director of Finance and Mayor are further authorized and directed to execute all documents and perform all acts required to complete the auction and the sale of the auctioned vehicles.

**Section 4.** That any proceeds of sale shall be deposited into the Emergency Vehicle Fund, and any funds required for the purposes of this Ordinance have been appropriated and shall be paid from the Emergency Vehicle Fund.

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

**Section 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the immediate sale of such obsolete and surplus vehicles is necessary in order to provide needed storage space for the Police Department, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council,

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2017 – 186  
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. 2017-186 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

### **Police Vehicles to G.C. A. A.**

<u>Car#</u>	<u>Year</u>	<u>VIN</u>
Ford SUV #3	2013	1FM5K8ARXDGA80654
ford SUV #25	2013	1FM5K8ARXDGA80655

**EXHIBIT A**



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2017 – 187**

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

**AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND DIRECTOR OF RECREATION & SENIOR SERVICES TO ACCEPT ADDITIONAL FUNDING FROM THE CUYAHOGA COUNTY DIVISION OF SENIOR AND ADULT SERVICES THROUGH ITS COMMUNITY SOCIAL SERVICES PROGRAM, IN CONNECTION WITH VARIOUS CITY SENIOR PROGRAMS, FUNCTIONS, AND TRANSPORTATION FOR THE YEAR 2017; AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2016-172, this Council authorized the Mayor and Director of Recreation & Senior Services to submit a proposal to receive funding from the Cuyahoga County Division of Senior and Adult Services in order to provide senior developmental programs and transportation services for its senior members; and

WHEREAS, the City's proposal was accepted by the County's Community Social Services Program, which provides reimbursements to the City for certain adult development activities and transportation services now offered free to Strongsville Senior Center members, for total funds not to exceed \$100,000.00 for the year 2017; and

WHEREAS, this Council further authorized the Mayor to enter into a Community Social Services Program Master Contract in connection with the acceptance of such funds; and

WHEREAS, the Cuyahoga County Division of Senior and Adult Services notified the City that additional funds have become available for distribution to the City of Strongsville in the amount of \$15,000.00 to be used for further reimbursement of funds for adult development and transportation services at the Strongsville Senior Center; and

WHEREAS, this Council is desirous of accepting such further funding from the Cuyahoga County Division of Senior and Adult Services.

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 and authorizes the Mayor and Director of Recreation & Senior Services to accept additional funds in the amount of \$15,000.00 from the Cuyahoga County Division of Senior & Adult Services through its Community Social Services Program for the year 2017, in order to continue to assist the City of Strongsville's senior adult developmental programs, including transportation services, all as more fully set forth in the aforementioned Community Social Services Program Master Contract, which is on file with the City's Director of Recreation & Senior Services.

**Section 2.** That the additional funds awarded shall be directed to the Multi-Purpose Complex Fund, and any funds required to meet the City's obligation under this Ordinance will be paid from the Multi-Purpose Complex 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.

**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 it is immediately necessary to accept further 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: \_\_\_\_\_

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

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

ORD. No. 2017-187 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. 2017 – 188**

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

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE SOUTHWEST REGIONAL COMMUNICATIONS NETWORK COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF EQUIPMENT, SUPPLIES, INSTALLATION, MAINTENANCE, REPAIRS AND OTHER SERVICES FOR THE GENERAL RADIO NEEDS OF THE CITY OF STRONGSVILLE DURING 2017, AND DECLARING AN EMERGENCY.**

WHEREAS, Council, by and through Ordinance No. 2002-133, authorized the Mayor to enter into an agreement for the City of Strongsville to join a Southwest Regional Communications Network Council of Governments ("Southwest COG"), in order to foster cooperation between the Cities of Strongsville, Brook Park, North Royalton and Parma Heights, as members of such Council of Governments, to establish, own, operate and administer a regional communications network for public safety and public service purposes; and

WHEREAS, the Southwest COG negotiated with Motorola Solutions, Inc. for the purchase of various equipment, supplies, installation, maintenance, repair and other services for the general radio needs for each member of the Southwest COG; and

WHEREAS, thereafter, by and through Ordinance Nos. 2016-139 and 2016-205, Council authorized the City's Director of Finance to make payments to the Southwest COG for a service contract with Motorola Solutions, Inc. during the year 2016; and

WHEREAS, based upon recommendation of the City's Director of Communication & Technology, this Council again wishes to take advantage of that opportunity for the purchase of routine general radio and telecommunications needs and requirements of the City, including the Regional Dispatch Center, during 2017.

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

**Section 1.** That the Director of Finance be and is hereby authorized and directed to pay to the Southwest COG, the total amount of \$89,889.49 in accordance with the invoice attached hereto as Exhibit A, in order to pay Strongsville's proportionate share of the costs involved in the purchase of the various equipment, supplies, installation, maintenance, repair and other services for the general radio needs for the City of Strongsville during 2017.

**Section 2.** That the funds necessary for the purposes of this Ordinance have been appropriated and shall be paid from the Fire Levy Fund; General Fund; Multi-Purpose Complex Fund; and the Street Construction, Maintenance & 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 Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for the general radio needs of the City of Strongsville, in order to protect and safeguard the safety and welfare of its citizens, and for the continuity of services provided by the City's Department of Public Safety. 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. 2017-188 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_



**Southwest Regional Communications Council of Governments**

17401 Holland Rd.  
Brook Park, OH 44142

**COPY****INVOICE**

**DATE:**  
October 17, 2017

**INVOICE #**  
1

**Bill To:**

Joseph Dubovec  
Finance Department  
City of Strongsville  
16099 Foltz Industrial Pkwy  
Strongsville, OH 44149  
(440)238-5720

**For:**

2017 Expenses

DESCRIPTION	AMOUNT
2017 User Fees	\$ 2,301.44
Budget Expenses	\$ 5,000.00
Motorola Service Contract 01/01/2017 - 12/31/2017	\$ 88,784.40
2016 Correction	\$ 318.96
2016 Tower Retal - Credit	\$ (6,515.31)
<b>TOTAL</b>	<b>\$ 89,889.49</b>

Make all checks payable to **Southwest Regional Communications Council of Governments**  
If you have any questions concerning this invoice, contact Marty Healy at (216)548-0119

THANK YOU

**EXHIBIT A**

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 189

BY: Mayor Perciak and All Members of Council

AN ORDINANCE REPEALING ORDINANCE NO. 2015-235, WHICH DECLARED IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBED THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRED THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHED A **BREW KETTLE** MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, on December 21, 2015, the Council of the City of Strongsville, Ohio (the “Council”) passed Ordinance No. 2015-235 (the “Brew Kettle TIF Ordinance”), which declared improvements to certain parcels of real property to be a public purpose, described the public improvements to be made to directly benefit such parcels, required the owners of the improvements on such parcels to make service payments in lieu of taxes, established a Brew Kettle municipal public improvement tax increment equivalent fund for the deposit of such service payments pursuant to Ohio Revised Code (“Revised Code”) Sections 5709.40, 5709.42 and 5709.43, and declared an emergency; and

WHEREAS, the Brew Kettle TIF Ordinance listed Permanent Parcel 395-10-003 in Exhibit A of said Ordinance as a parcel in which improvements are exempted from taxation; and

WHEREAS, no construction of the commercial project nor the Public Improvements described in Exhibit B to the Brew Kettle TIF Ordinance have commenced, and there is no future plan to commence construction of the commercial project nor such Public Improvements; and

WHEREAS, the City wishes to repeal the Brew Kettle TIF Ordinance and remove Permanent Parcel 395-10-003 from the list of parcels on which improvements are exempted from taxation.

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

Section 1. That Ordinance No. 2015-235 previously establishing the Brew Kettle municipal public improvement tax increment equivalent fund is hereby repealed in its entirety.

Section 2. That pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its passage.

Section 3. That 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 4. That 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

**CITY OF STRONGSVILLE, OHIO**

**Ordinance No. 2017 – 189**

**Page 2**

Ordinance is required to be immediately effective in order to confirm that the Brew Kettle municipal public improvement tax increment equivalent fund is terminated; 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 two-thirds of the members of the Council, otherwise it shall take effect and be in force 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. 2017-189 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. 2017 - 190

By: Mayor Perciak and All Members of Council

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A **PEARL ROAD IV** MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Strongsville (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (collectively, the "Property"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Property and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Strongsville City School District and Polaris Joint Vocational School District have been notified of this Ordinance consistent with Revised Code Section 5709.83.

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

Section 1. The Public Improvements described in **Exhibit B** hereto, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and are determined to be necessary for the public health, safety and welfare.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the year in which this Ordinance is passed and ending on



**CITY OF STRONGSVILLE, OHIO**

**Ordinance No. 2017 – 190**

**Page 2**

the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Strongsville City School District and Polaris Joint Vocational School District in the amount of the taxes that would have been payable to the Strongsville City School District and Polaris Joint Vocational School District, as applicable, if the Improvements had not been exempted from taxation.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the **PEARL ROAD IV** Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Strongsville City School District and Polaris Joint Vocational School District in an amount equal to the property tax payments the Strongsville City School District and Polaris Joint Vocational School District, as applicable, would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the Mayor, Director of Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **PEARL ROAD IV** Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**CITY OF STRONGSVILLE, OHIO**

**Ordinance No. 2017 – 190**

**Page 3**

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. 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 7. 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 eliminate existing hazards to vehicular traffic; 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 two-thirds of the members of the Council, otherwise it shall take effect and be in force 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. 2017-190 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

EXHIBIT A  
THE PROPERTY

CITY OF STRONGSVILLE  
Pearl Road IV TIF Parcel Numbers

395-03-006

395-05-002

397-17-082

392-16-014

## EXHIBIT B

### DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of the widening of and other improvements to Pearl Road from northern terminus to southern terminus, to Royalton Road from western terminus to eastern terminus, and all intersection sections along such route, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The Public Improvements further include the construction of or improvements to any other public streets, utilities and public facilities in and around the Property and directly benefiting or serving the Property.



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 - 191

By: Mayor Perciak and All Members of Council

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A **SCANNELL PROPERTIES** MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Strongsville (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (collectively, the "Property"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Property and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Strongsville City School District and Polaris Joint Vocational School District have been notified of this Ordinance consistent with Revised Code Section 5709.83.

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

Section 1. The Public Improvements described in **Exhibit B** hereto, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and are determined to be necessary for the public health, safety and welfare.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from

**CITY OF STRONGSVILLE, OHIO**

**Ordinance No. 2017 – 191**

**Page 2**

taxation commencing with the tax year following the year in which this Ordinance is passed and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Strongsville City School District and Polaris Joint Vocational School District in the amount of the taxes that would have been payable to the Strongsville City School District and Polaris Joint Vocational School District, as applicable, if the Improvements had not been exempted from taxation. The project to be constructed on the Property is also subject to a 15-year, 100% pre-1994 Community Reinvestment Area tax abatement which is intended to take priority over the exemption granted pursuant to this Ordinance and the Property will capture the full value of the Service Payments in the latter 15 years.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the **SCANNELL PROPERTIES** Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Strongsville City School District and Polaris Joint Vocational School District in an amount equal to the property tax payments the Strongsville City School District and Polaris Joint Vocational School District, as applicable, would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the Mayor, Director of Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **SCANNELL PROPERTIES** Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

**CITY OF STRONGSVILLE, OHIO**

**Ordinance No. 2017 – 191**

**Page 3**

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. 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 7. 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 eliminate existing hazards to vehicular traffic; 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 two-thirds of the members of the Council, otherwise it shall take effect and be in force 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. 2017-191 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

EXHIBIT A  
THE PROPERTY

CITY OF STRONGSVILLE  
Scannell Properties TIF Parcel Number  
393-01-016



## EXHIBIT B

### DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of the widening of and other improvements to Foltz Parkway, including all intersections from Royalton Road to the southern terminus of Foltz Parkway and including Royalton Road and Drake Road from Prospect Road to the western terminuses of Royalton Road and Drake Road.

The Public Improvements further include the construction of or improvements to any other public streets, utilities and public facilities in and around the Property and directly benefiting or serving the Property.