

# City of Strongsville

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Strongsville, Ohio 44149-5598  
Phone: 440-580-3110  
Council Office Fax: 440-572-1648  
www.strongsville.org

June 14, 2018

## MEETING NOTICE

### City Council

Michael J. Daymut  
Ward 1

Annmarie P. Roff  
Ward 2

Kelly A. Kosek  
Ward 3

Gordon C. Short  
Ward 4

Joseph C. DeMio  
At-Large

James E. Carbone  
At-Large

Matthew A. Schonhut  
At-Large

Aimee Pientka, MMC  
Clerk of Council

Tiffany Mekeel, CMC  
Assistant Clerk of Council

City Council has scheduled the following meetings for **Monday, June 18, 2018**, to be held in the Caucus Room and the Council Chamber at the ***Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road***:

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

**7:30 P.M.**      **Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2018-050, 2018-091 and Resolution Nos. 2018-052 and 2018-092.

**Finance Committee** will meet to discuss Ordinance No. 2018-093.

**Public Service and Conservation Committee** will meet to discuss Ordinance No. 2018-094.

**Committee of the Whole** will meet to discuss Ordinance Nos. 2018-088, 2018-095, 2018-096, 2018-097, 2018-098, 2018-099, 2018-100, 2018-101 and 2018-102.

*A motion will be made to approve the committee meeting minutes of May 23, 2018.*

**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, JUNE 18, 2018 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 – June 4, 2018*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
  - *Recognition of Sheryl Kay Buschman for her thirty-eight years of dedicated service as a Police, Fire and EMS Dispatcher for the City of Strongsville.*
  - *Presentation by Cameron Ryba, Superintendent of the Strongsville City Schools, regarding a possible new operating levy.*
7. PUBLIC HEARING:
  - Ordinance No. 2018-050 by Mr. Schonhut. 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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18. Favorable recommendation by the Planning Commission 04-26-18. Second reading 05-07-18. Public hearing 06-18-18.*
8. REPORTS OF COUNCIL COMMITTEE:
  - SCHOOL BOARD – Mr. Carbone:
  - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Short:
  - BUILDING AND UTILITIES – Mr. Daymut:
  - COMMUNICATIONS AND TECHNOLOGY – Ms. Kosek:
  - ECONOMIC DEVELOPMENT – Mr. Daymut:
  - FINANCE – Mr. Carbone:
  - PLANNING, ZONING AND ENGINEERING – Mr. Schonhut:
  - PUBLIC SAFETY AND HEALTH – Mr. Short:

- PUBLIC SERVICE AND CONSERVATION – Ms. Roff:
- RECREATION AND COMMUNITY SERVICES – Ms. Roff:
- COMMITTEE-OF-THE-WHOLE – Mr. DeMio:

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. 2018-050 by Mr. Schonhut. 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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18. Favorable recommendation by the Planning Commission 04-26-18. Second reading 05-07-18. Public hearing 06-18-18.*
- Resolution No. 2018-052 by Mayor Perciak and Mr. Schonhut. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR ENGINEERING DESIGN AND CONSULTING SERVICES FOR THE CR 188 (HOWE ROAD) AND CR 205 (SHURMER ROAD) ROUNDABOUT PROJECT. *First reading 04-16-18. Second reading 05-07-18. Third reading 06-04-18.*
- Ordinance No. 2018-088 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING CHAPTER 876 "USE OF PUBLIC WAYS BY SERVICE PROVIDERS" OF TITLE TWO OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading 06-04-18.*
- Ordinance No. 2018-091 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A PERPETUAL EASEMENT FOR TRAFFIC SIGNAL PURPOSES, ON REAL PROPERTY LOCATED AT THE INTERSECTION OF ROYALTON ROAD AND SOUTHPARK CENTER DRIVE IN THE CITY OF STRONGSVILLE, IN CONNECTION WITH THE CITY-WIDE TRAFFIC SIGNAL SYSTEM UPGRADE PROJECT, AND DECLARING AN EMERGENCY.

- Resolution No. 2018-092 by Mr. Schonhut. A RESOLUTION PROVIDING FOR THE SUBMISSION OF ORDINANCE NO. 2018-050 TO THE ELECTORS, ESTABLISHING AN ELECTION DATE THEREFOR, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-093 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2018 AND REPEALING ORDINANCE NO. 2018-066.
- Ordinance No. 2018-0094 by Mayor Perciak and Ms. Roff. AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2017-071 TO INCREASE THE APPROPRIATED CONTRACT AMOUNT AND AMEND THE CONTRACT WITH KOKOSING MATERIALS, INC. FOR PURCHASE OF ASPHALT MATERIALS FOR USE BY THE SERVICE DEPARTMENT OF THE CITY, WITHOUT FURTHER PUBLIC BIDDING, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-095 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE II OF THE CHARTER OF THE CITY ENTITLED "THE MAYOR" IN SECTION 5(g) TO PROVIDE FOR THE EDUCATION REQUIREMENTS FOR THE POLICE AND FIRE DEPARTMENTS IN ORDER TO BE ELIGIBLE FOR THE FUTURE PROMOTION BY THE MAYOR TO CHIEF OF POLICE AND FIRE CHIEF, RESPECTIVELY, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-096 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE II OF THE CHARTER OF THE CITY ENTITLED "THE MAYOR" IN SECTION 7 TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED AND ORDER OF SUCCESSION IN THE EVENT OF THE ABSENCE OR VACANCY IN THE OFFICE OF MAYOR, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-097 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED "THE COUNCIL" IN SECTION 8, TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED IN THE EVENT OF A VACANCY IN THE TERM OF OFFICE FOR A MEMBER OF COUNCIL, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-098 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED "THE COUNCIL" IN SECTION 10, TO PROVIDE FOR COUNCIL TO DETERMINE BY ORDINANCE THE STARTING TIME FOR REGULAR MEETINGS OF COUNCIL, AND DECLARING AN EMERGENCY.

- Ordinance No. 2018-099 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED "THE COUNCIL" IN SECTION 12, TO PROVIDE FOR COUNCIL POSTING IN NOT LESS THAN TWO LOCATIONS ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS, PROCLAMATIONS, NOTICES AND REPORTS REQUIRED BY LAW, AND DECLARING AN EMERGENCY.
  
- Ordinance No. 2018-100 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE V OF THE CHARTER OF THE CITY ENTITLED "FINANCE" IN SECTION 5(b), TO PROVIDE THAT COUNCIL BY A VOTE OF NOT LESS THAN SIX (6) OF ITS MEMBERS MAY AUTHORIZE CERTAIN EXPENDITURES, IN EMERGENCIES OR OTHER LIMITED CIRCUMSTANCES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.
  
- Ordinance No. 2018-101 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE VII OF THE CHARTER OF THE CITY ENTITLED "NOMINATIONS AND ELECTIONS" TO PROVIDE FOR THE ENACTMENT OF NEW SECTION 5 "QUALIFIED ELECTORS," IN ORDER TO DEFINE SUCH TERM AS USED IN THE CITY'S CHARTER, AND DECLARING AN EMERGENCY.
  
- Ordinance No. 2018-102 by Mayor Perciak and All Members of Council. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE VII OF THE CHARTER OF THE CITY ENTITLED "NOMINATIONS AND ELECTIONS" TO PROVIDE FOR THE ENACTMENT OF NEW SECTION 6 "GENERAL QUALIFICATIONS OF ELECTED OFFICIALS," AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 050

By: Mr. Schonhut

**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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY.**

WHEREAS, the owner of property located at 10750 Prospect Road, being Permanent Parcel No. 391-16-017, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) classification to Senior Residence (SR-1) classification; and

WHEREAS, Article VIII, Section 6 of the City Charter provides that neither the Council, the Mayor, any Board, including Board of Appeals, or Commission appointed pursuant to this Charter, or any ordinance or resolution of this Municipality, nor any other agent, employee, person or organization acting for or on behalf of this Municipality, by whatever authority or purported authority, shall by ordinance, resolution, motion, proclamation, statement, legislative or administrative action, or variance effect a change in the zoning classification or district of any property or area in the City of Strongsville from R1-75 (One Family 75) or R1-100 (One Family 100) commonly known as single family residential, or by whatever other name called, to any other zoning classification or district unless the change or grant, after adoption in accordance with applicable administrative and/or legislative procedures, is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville, and in each ward in which the change is applicable to property in the ward.

NOW, THEREFORE, 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 from R1-75 (One Family 75) classification to Senior Residence (SR-1) classification, of certain property described in Exhibit A, and depicted in Exhibit B, attached hereto and incorporated herein as if fully rewritten; provided that such amendment is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville and in each ward in which the change is applicable to the property in the ward.

**Section 2.** That, after approval by the electors as set forth in Section 1 above, 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.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 050**  
**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 process rezoning of such property in order to meet the deadline for submittal of this issue to the ballot in accordance with law, to afford the applicant an opportunity to submit plans and commence construction, to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of 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: April 16, 2018  
 Second Reading: May 7, 2018  
 Third Reading: \_\_\_\_\_  
 Public Hearing: June 18, 2018

Referred to Planning Commission

April 17, 2018  
 Approved: Favorable recommendation by Planning Commission 4-26-18

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-050 Amended: \_\_\_\_\_  
 1st Rdg. 04-16-18 Ref: PC/PZE  
 2nd Rdg. 05-07-18 Ref: PZE  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

Pub Hrg. 06-18-18 Ref: \_\_\_\_\_  
 Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

**Legal Description**

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being Sublot No. 18 in Hickory Branch Subdivision of part of Original Strongsville Township Lot No. 88 as shown by the recorded plat in Volume 362 of Maps, Pages 85 through 87 of Cuyahoga County Records and being 89.97 feet front on the westerly side of Prospect Road (80 feet wide) and extending back 463.73 on the northerly line, 464.03 on the southerly line, both as measured from the centerline of the road, and having a rear line of 89.98 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No.: 391-16-017

**EXHIBIT A**





**PETITION FOR ZONING CHANGE**

Ordinance Number: 2018-050

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 R1-75 use to a class SR use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The change would enable development of the parcel consistent with other parcels in the immediate area that would not otherwise be possible without the zoning change.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The requested change is to Senior Residential. The parcel immediately adjacent to this property is zoned SR and is an existing senior residence facility.

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

1. Legal description.
2. Survey.
3. \_\_\_\_\_

**THE PROPOSED USE OF THE PROPERTY IS:** Consolidation with adjacent Kemper House property for accessory uses (parking, walking path, landscaping, small addition.)

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

Name: Kemper Martin Enterprises, Inc. and KEM Management, Inc., Mary Cavanaugh, Esq.

Address: 10307 Detroit Ave. #101, Clew., OH 44102

Telephone Number: 216.472.4200

Betty J Kemper, President  
Signature of Owner(s) and Auth. Rep.

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed in my presence this 28<sup>th</sup> day of March, 2018.

**MARY A. CAVANAGH**  
**ATTORNEY AT LAW**  
**MY COMMISSION HAS NO EXPIRATION DATE,**  
**O.R.C. 147.03**

Mary Cavanaugh  
Notary Public  
My commission expires: 1/14

\* 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: 2018-050

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: 10750 Prospect Road, Strongsville, OH

Permanent Parcel No.: 391.16.017

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) The property is west of Prospect Road and north of Albion Road.

Number and type of buildings which now occupy property (if any): none, vacant land

Acreage: 0.896 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: NA

Owner(s)	Percent of Ownership:
1. <u>Kemper Martin Enterprises, Inc.</u>	<u>50</u> %
2. <u>KEM Management, Inc.</u>	<u>50</u> %
3. _____	_____ %

Bothy J Kemper, Pres.  
Signature of Owner(s) & Auth. Rep.

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed to in my presence this 28<sup>th</sup> day of March, 2018.

Mary A. Cavanaugh  
Notary Public

My commission expires NA

MARY A. CAVANAUGH  
ATTORNEY AT LAW  
MY COMMISSION HAS NO EXPIRATION DATE,  
O.R.C. 147.03

\* 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:** April 9, 2018

**SUBJECT:** Rezoning Application  
Kemper Martin Enterprises, Inc. and KEM Management, Inc.; Owners  
PPN: 391-16-017  
Address: 10750 Prospect Road  
From Residential (R1-75) to SR (Senior Residential)

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Please check the legal description on the attached amended 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:** April 10, 2018

**Re:** Rezoning Application  
Kemper Martin Enterprises, Inc. and KEM Management, Inc.; Owners  
PPN 391-16-017  
10750 Prospect Road  
From R1-75 to SR

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Neal,

The legal description included in the Clerk of Council's April 9, 2018 memo regarding the above referenced application accurately depicts the parcel to be rezoned.

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:** Tiffany Mekeel, Assistant Clerk of Council

**DATE:** April 17, 2018

**SUBJECT:** Referral from Council: Ordinance No. 2018-049 & 2018-050

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Please be advised that at its regular meeting of April 16, 2018, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-049 by Mr. Schonhut. 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 21219 LUNN ROAD (PPN 393-14-022) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18.*
- Ordinance No. 2018-050 by Mr. Schonhut. 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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18.*

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

TAM  
Attachment

## MEMORANDUM

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

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

**SUBJECT:** Referrals to Council

**DATE:** April 27, 2018

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Please be advised that at its meeting of April 26, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**ORDINANCE 2018-050:**

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 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification.

At that same meeting the Planning Commission gave Unfavorable Recommendation to the following;

**ORDINANCE 2018-049:**

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 21219 Lunn Road (PPN 393-14-022) in the City of Strongsville From GI (General Industrial) Classification to R1-75 (One Family 75) Classification.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 052

By: Mayor Perciak and Mr. Schonhut

**A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR ENGINEERING DESIGN AND CONSULTING SERVICES FOR THE CR 188 (HOWE ROAD) AND CR 205 (SHURMER ROAD) ROUNDABOUT PROJECT.**

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

**Section 1.** That the Mayor be and is hereby authorized to advertise a request for qualifications and proposals for engineering design and consulting services for the CR 188 (Howe Road) and CR 205 (Shurmer Road) Roundabout project, in accordance with the documents on file in the office of the City Engineer, which are, in all respects, hereby approved.

**Section 2.** That the funds for the purposes of this Resolution have been appropriated and shall be paid from the General Capital Improvement Fund.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of 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 Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

**RES**  
ORD. No. 2018-052 Amended: \_\_\_\_\_  
1st Rdg. 04-16-18 Ref: P2E  
2nd Rdg. 05-07-18 Ref: P2E  
3rd Rdg. 06-04-18 Ref: P2E

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 088

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING CHAPTER 876 “USE OF PUBLIC WAYS BY SERVICE PROVIDERS” OF TITLE TWO OF PART EIGHT 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 876 of Title Two of Part Eight-Business Regulation and Taxation Code, of the Codified Ordinances of the City of Strongsville, be and is hereby amended in order that it shall read in its entirety as follows:

**CHAPTER 876**

**Use of Public Ways by Service Providers**

- 876.01 Scope of chapter; definitions.
- 876.02 Consent to occupy or use the public right-of-way.
- 876.03 General public right-of-way use regulations.
- 876.04 Location, relocation and removal of ~~micro-wireless~~ **small cell facility and wireless support structure.**
- 876.05 Notice of work, routine maintenance and emergency work.
- 876.06 Miscellaneous provisions.
- 876.99 Penalties and other remedies.

**876.01 SCOPE OF CHAPTER; DEFINITIONS.**

- (a) The purpose and intent of this Chapter is to:
  - (1) Manage Occupancy or use of the Public Right-of-Way.
  - (2) Encourage the provision of advanced, competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the City;
  - (3) Permit and manage reasonable access to the Public Right-of-Way of the City for telecommunications service purposes on a competitively neutral basis.
  - (4) Conserve the limited physical capacity of the Public Right-of-Way held in trust by the City for the benefit of the public.
  - (5) Assure that the City receives cost recovery for the Occupancy and use of the Public Right-of-Way in accordance with law.

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- (6) Assure that all Service Providers with Facilities in the Public Right-of-Way comply with the ordinances, rules and regulations of the City.
- (7) Assure that the City fairly and responsibly protects the public health, safety and welfare.
- (8) Enable the City to discharge its public trust consistent with rapidly evolving federal and State regulatory policies, industry competition and technological development.

(b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) Accessory Equipment means any equipment used in conjunction with a Wireless Facility or Wireless Support Structure **or Small Cell Facility**. “Accessory Equipment” includes utility or transmission equipment, power storage, generation or control equipment, cables, wiring, and equipment cabinets.
- (2) Affiliate means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another Person.
- (3) Antenna means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications service, internet, and microwave telecommunications.
- (4) Capital Improvement means an addition made to enhance the value or extend the useful life of an existing System or Facilities, including Construction, Reconstruction, installation, rehabilitation, renovation, improvement, enlargement and extension of Facilities, but not including ordinary or Routine Maintenance.
- (5) City means the City of Strongsville, Ohio.
- (6) City Property means and includes all real property owned by the City, other than Public Streets and public easements, and all property held in a proprietary capacity by the City, which are not subject to Public Right-of-Way consent and requirements of this Chapter.
- (7) **Collocation or Collocate means to install, mount, maintain, modify, operate, or replace a Wireless Facility on a Wireless Support Structure.**
- (78) Construct, Constructing, Construction, etc. means installing, repairing, replacing or removing any Facility, regardless of the methods employed.
- ~~(8) Distributed Antenna System means a network or facility to which all of the following apply:  
(A) It distributes radio frequency signals to provide Wireless Service.~~

~~(B) It meets the height and size characteristics of a Small Cell Facility.~~

~~(C) It consists of all of the following:~~

~~(i) Remote antenna nodes deployed throughout a desired coverage area;~~

~~(ii) A high capacity signal transport medium connected to a central hub site; and~~

~~(iii) Equipment located at the hub site to process or control the radio frequency signals through the antennas.~~

~~(D) It conforms to the size limitations specified in Section 876.01(b)(26) of this Chapter.~~

- (9) Emergency means an unforeseen occurrence or condition calling for immediate action.
- (10) Engineer means the Engineer of the City or Engineer's designee.
- (11) Excavate, Excavating or Excavation means cutting, sawing, breaking, drilling into, boring under, or otherwise altering any Public Street or sidewalk pavement, and/or digging, drilling into or boring under any unpaved portion of the Public Right-of-Way, including any other work or activity which disturbs the existing surface or subsurface structure, composition, or soil compaction, for the purpose of carrying on any Construction activity.
- (12) Facilities or Facility means the plant, equipment and property, including but not limited to Accessory Equipment, Antenna, cables, fibers, wires, pipes, conduits, ducts, pedestals, antennae, electronics, poles, pipes, mains, plant, equipment and other appurtenances located under, on or above the surface of the ground in the Public Right-of-Way of the City for a ~~Micro~~ **Wireless Small Cell** Facility.
- (13) Lane Obstruction means the blocking or diverting of vehicular and/or pedestrian traffic from a street or sidewalk for the purpose of Constructing, Excavating, installing, repairing, maintaining, operating, replacing or removing any Facility, including (A) the lifting or removing of manhole or handhole covers, and (B) the opening or accessing of at-grade or pole-mounted cabinets, pedestals, transformers, power supplies, amplifiers, splice enclosures, traps or other Facilities.
- (14) Micro Wireless Facility ~~includes both a Distributed Antenna System and a Small Cell Facility, and the related Wireless Facilities~~ means **a Small Cell Facility that is not more than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that does not have an exterior antenna more than eleven (11) inches in length suspended on cable strung between Wireless Support Structures.**
- (15) Monopole means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

- (16) Occupancy, Occupy or Use means, with respect to the Public Right-of-Way, to place a tangible thing in the Public Right-of-Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining or operating lines, poles, pipes, conduits, ducts, equipment or other structures, appurtenances or Facilities.
- (17) Overhead Facilities means utility poles and wires, cables and other such equipment running between and on such poles, including the underground supports and foundations for such Facilities.
- (18) Person means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts, public utility, any other entity, and individuals and includes their lessors, trustees and receivers; but specifically excludes the City itself.
- (19) Private Service Provider means any Person who, pursuant to the consent to Occupy or Use the Public Right-of-Way pursuant to Section 876.02 of this Chapter, directly or indirectly owns, controls, operates or manages a ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** within the City's Public Right-of-Way used or to be used for the purpose of transmitting, receiving, distributing or providing telecommunications or Wireless Services.
- (20) Public Right-of-Way means the surface of, and the space within, through, on, across, above or below, any Public Street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, **public easement**, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
- (21) Public Street means the paved and unpaved portion of any street, road, boulevard, drives, highway, freeway, parkway, lane court, alley or other Public Right-of-Way in which the City has an interest in law or equity and which has been acquired, established, dedicated or devoted to street purposes.
- (22) PUCO or Public Utilities Commission of Ohio means the State Administrative agency, or successor, authorized to regulate and oversee certain Public or Private Service providers and Services in the State of Ohio.
- (23) Reconstruct, Reconstruction, etc. means substantial physical change to all or a portion of an existing Facility or System involving Construction in Public Streets, utility easements, or Public Right-of-Way.
- (24) Routine Maintenance means repair, upkeep, replacement or restoration of existing Facilities located in the Public Right-of-Way that requires no more than one (1) working day to complete, is not an Emergency and does not include Excavation of the Public Right-of-Way.

- (25) Service Provider means any Private Service Provider.
- (26) Small Cell Facility means a Wireless Facility that meets ~~the both of the following~~ requirements: ~~of Sections 876. 0 1(b)(26)(A)(1) and 876. 0 1(b) -(26)(A)(2) of this Chapter:~~
- (A) ~~(1)~~—Each Antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- (B) ~~(2)~~—All other Wireless Equipment associated with the Facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- ~~(B) If the Wireless Facility were placed on a Wireless Support Structure or Utility Pole, the increased height would be not more than ten feet or the overall resulting height would be not more than fifty (50) feet.~~
- (27) State means the State of Ohio.
- (28) Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications services.
- (29) Wireless Facility means ~~an antenna, Accessory Equipment, or other wireless device or equipment used to provide Wireless Service equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:~~
- (A) ~~Equipment associated with wireless communications.~~
- (B) ~~Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.~~
- (C) ~~The term includes Small Cell Facilities.~~
- (D) ~~The term does not include any of the following:~~
- (i) ~~The structure or improvements on, under, or within which the equipment is collocated;~~
- (ii) ~~Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.~~
- (30) Wireless Service means any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided using Wireless Facilities.
- (31) Wireless Support Structure means a pole, such as a monopole, either guyed or self-supporting, **street** light pole, traffic signal **pole**,

sign pole, or Utility Pole capable of supporting ~~Wireless Facilities~~  
**Small Cell Facility**. As used in this Chapter, **“Wireless Support  
Structure”** excludes all of the following:

- (A) A utility pole or other facility owned or operated by a municipal electric utility.
- (B) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

**876.02 CONSENT TO OCCUPY OR USE THE PUBLIC RIGHT-OF-WAY.**

(a) Consent Required to Occupy Public Right-of-Way. No Person shall ~~Occupy or use a Micro Wireless Facility~~ **Collocate a Small Cell Facility and/or construct, maintain, modify, operate, or replace a Wireless Support Structure** in the Public Right-of-Way without obtaining prior consent from the City to do so.

(b) Initial Consent Presumed.

- (1) A Person with a ~~Micro Wireless~~**Small Cell Facility on a Wireless Support Structure** in the Public Right-of-Way on the effective date of this Chapter, who lawfully occupies the Public Right-of-way on the effective date of this Chapter, shall be presumed to have initial consent of the City for its existing ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure** to Occupy or use the Public Right-of-Way which has been previously approved by the City.
- (2) Initial presumed consent for Occupancy or use of the Public Right-of-Way is limited to the existing ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure**.
- (3) A Person with initial presumed consent is not relieved from compliance with this Chapter with respect to the ongoing Occupancy or Use of the Public Right-of-Way including, but not limited to, the Insurance and Indemnity requirements set forth in Sections 876.02(e) and (f) of this Chapter.

(c) Application for Consent to Occupy or Use Public Right-of-Way.

- (1) The following Persons shall apply to the City for consent to Occupy or use the Public Right-of-Way on a form provided by the City, any Person who:
  - (A) Does not currently have an existing, ~~Micro Wireless~~**Small Cell Facility on a Wireless Support Structure** in the City's Public Right-of-Way and desires to Construct a new ~~Micro Wireless~~**Small Cell Facility on a Wireless Support Structure** in the Public Right-of-Way; or
  - (B) Has initial presumed consent or City consent to Occupy or Use the Public Right-of-Way for an existing ~~Micro Wireless~~**Small Cell Facility on a Wireless Support Structure** but is planning:

- (i) a Capital Improvement or Reconstruction of an existing ~~Micro-Wireless~~**Small Cell Facility on a Wireless Support Structure**; or
  - (ii) to Construct an additional ~~Micro-Wireless~~**Small Cell Facility on a Wireless Support Structure** anywhere in the City.
- (2) The application for Consent to Occupy or Use the Public Right-of-Way shall include the following information with respect to the applicant's or Service Provider's planned or existing ~~Micro-Wireless~~**Small Cell Facility on a Wireless Support Structure** in the Public Right-of-Way, as well as plans for any planned Capital Improvements or Reconstruction:
  - (A) The identity, legal status and federal tax identification number of the applicant, including all Affiliates of the applicant or Service Provider in the State of Ohio that will Use or Occupy the Public Right-of-Way or are in any way responsible for the ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** in the Public Right-of-Way.
  - (B) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the application or initial registration and available at all reasonable times to be notified in case of emergency.
  - (C) A description of the existing or proposed ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** in the City's Public Right-of-Way, including but not limited to engineering plans, specifications or a map, all in sufficient detail to identify:
    - (i) the location of the applicant's ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** or proposed ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure**.
    - (ii) the location of all existing Overhead and/or underground ~~Facilities, Facility, or~~ ~~Micro-Wireless~~**Small Cell** ~~Facility~~ ~~Facilities, Wireless Support Structures~~ in the Public Right-of-Way in the area of the applicant's or Service Provider's ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** or proposed ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** that is sufficient to show the impact of the applicant's ~~Micro-Wireless~~**Small Cell Facility and Wireless Support Structure** on other existing ~~Facilities, Facility, or~~ ~~Micro-Wireless~~**Small Cell Facility or Wireless Support Structures**.
    - (iii) the location of all overhead and underground utility easements.

- (D) A preliminary Construction schedule and completion date for all planned Capital Improvements.
  - (E) Evidence that the applicant or Service Provider has complied, or will comply, with indemnification and insurance requirements of this Chapter.
  - (F) Information sufficient to determine that the applicant or Service Provider has received any certificate of authority required by the PUCO.
  - (G) A description of the construction methods to be employed for the protection of existing structures, fixtures and Facilities in or adjacent to the Public Right-of-Way.
  - (H) A description of the structures, improvements and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate.
  - (I) A description of the impact of Construction, Reconstruction, installation, maintenance or repair of a ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** on trees in or adjacent to the Public Right-of-Way, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas disturbed during Construction.
  - (J) All applications shall be accompanied by the certification of a State of Ohio registered professional engineer that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
  - (K) All applications which involve a Lane Obstruction or work on, in, under, across or along any Public Right-of-Way shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with the Ohio Department of Transportation's Uniform Manual of Traffic Control Devices and other applicable ODOT regulations, to prevent injury or damage to Persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic. The City may require the Service Provider to use and employ the City Police Force for Traffic Control.
  - (L) Such other and further information as may reasonably be requested by the City.
- (3) The City, by and through its Planning Commission, shall grant or deny, in writing, a Person's application for consent to Occupy or Use the Public Right-of-Way within sixty (60) days of the date on which the Person filed the application and all necessary information with the City.
- (A) The City may withhold, deny or delay its consent to a Person's application to Occupy or Use the Public Right-of-Way based on the health, safety and welfare of the City and



in accordance with City Ordinances and Ohio law. These reasons may include but not be limited to those criteria set forth in Section 876.02(d) of this Chapter.

- (B) If the City denies a Person's application to Occupy or Use the Public Right-of-Way, the City shall provide its reasons in writing for denying the application, and shall provide any information that the Person may reasonably request necessary for the Person to obtain the City's consent to Occupy or Use the Public Right-of-Way.
- (4) The City's grant of consent for a Person to Occupy or Use the Public Right-of-Way shall be in the form of a Right-of-Way Occupancy Certificate which shall set forth the specific terms of the City's consent for such Person to Occupy or Use the Public Right-of-Way.
- (5) Each Person submitting an application for Consent to Occupy or Use the Public Right-of-Way shall pay a fee in the amount of Two Hundred Fifty Dollars (\$250.00) per site and assessed by the Building Commissioner to reimburse the City for its administrative costs.
- (6) **A Person seeking to Construct, modify, Collocate, or replace more than one (1) Small Cell Facility or one (1) Wireless Support Structure may file a consolidated application for consent to occupy or use the Public Right-of-Way for up to thirty (30) Small Cell Facilities in a single application or up to thirty (30) Wireless Support Structure requests in a single application. Said single application may only address multiple Small Cell Facilities or multiple Wireless Support Structures if they each involve substantially the same type of Small Cell Facilities or substantially the same type of Wireless Support Structures. The City may separately address Small Cell Facilities or Wireless Support Structures for which incomplete information has been received or which are denied. In the case of a single application, each Small Cell Facility or Wireless Support Structure proposed to be Constructed, modified or Collocated on, or replaced shall constitute a separate request for Consent to Occupy or use the Public Right-of-Way for purposes of tolling the response deadline set forth in this Chapter.**
- (67) The time periods set forth herein may be tolled:
  - (A) By mutual agreement between the Person requesting consent and the City;
  - (B) Where the City determines that the application is incomplete; or
  - (C) ~~By the City in the event it has an extraordinary number of Micro Wireless Facilities contained in pending requests, in which case the City may toll the sixty (60) day period for a reasonable amount of time not exceeding an additional thirty~~

~~(30) days.~~ **By the City in the event it receives applications for at least twenty-five (25) Small Cell Facilities or Wireless Support Structures contained in pending requests, in which case the City may toll the ninety (90) day period for up to twenty-one (21) days.**

- ~~(78)~~ To toll the time period for incompleteness, the City shall provide written notice to the Person requesting consent not later than thirty (30) days after receiving the request, clearly and specifically delineating all missing documents or information.
- ~~(89)~~ The time period ~~begins running again resumes~~ when the Person makes a supplemental submission in response to the City's notice of incompleteness.
- ~~(910)~~ If a supplemental submission is inadequate, the City shall notify the Person not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in divisions (A) to (C) of this Section.

(d) ~~Micro Wireless~~ **Small Cell Facility in Public Right-of-Way.** No Person shall occupy or use the Public Right-of-Way as a ~~Micro Wireless Small Cell Facility on~~ **a Wireless Support Structure** without first obtaining the approval of the proposed improvements by the Planning Commission. The Person proposing the improvements shall deliver to the Planning Commission sixteen (16) sets of the plans and specifications including all necessary details, profiles, and cross-sections for each proposed improvement. The Planning Commission shall approve or disapprove of such proposed improvements based on the following standards:

- (1) Compliance with all City codes and laws and other governmental laws where required;
- (2) The recommendation of all administrative departments in regard to the improvements;
- (3) The effect of the proposed improvements on the right-of-way and in relation to all other improvements already installed or approved;
- (4) The proposed location of the improvements in regard to such items as sight lines, drainage, safety, and visual interference;
- (5) The size, bulk, and location of the improvements in relation to obtaining proper light, air, privacy, usable open space, and compatibility with surrounding uses;
- (6) The proper screening or placement of the improvements to minimize the negative effects of the improvements on the right-of-way or adjoining uses;
- (7) Compliance with the United States Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD) and Ohio Department of Transportation Ohio Manual of Uniform Traffic Control Devices (OMUTCD).

(e) Service Provider Insurance. As a condition of the consent to Occupy or Use the Public Right-of-Way, a Service Provider must secure and maintain, at a minimum, the following liability insurance policies insuring both the Service provider and the City as additional insured:

- (1) Comprehensive general liability insurance with limits not less than
  - (A) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for bodily injury or death to each Person;
  - (B) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for property damage resulting from any one accident; and
  - (C) One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for all other types of liability.

- (2) The liability insurance policies required by this Section shall be maintained by the Service Provider throughout the period of time during which the Service Provider is Occupying or Using the Public Right-of-Way, or is engaged in the removal of its Facilities. Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail, of a written notice addressed to the Building Commissioner of such intent to cancel or not to renew.”

- (3) Within thirty (30) days after receipt by the City of said notice, and in no event later than fifteen (15) days prior to said cancellation, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.
- (4) All insurance policies required herein shall be written with an insurance company authorized to do business in the State of Ohio in relation to the specific type of insurance required.
- (5) Upon written application to, and written approval by, the Director of Finance of the City, a Service Provider may be self-insured to provide all of the same coverages as listed in this Section. As part of the review process, the Director of Finance may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Chapter.

(f) General Indemnification. Each application for consent to Occupy or Use the Public Right-of-Way shall include, to the extent permitted by law, the Service Provider's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Service Provider or its Affiliates, officers, employees, agents, contractors or subcontractors in the design, Construction, Reconstruction, installation, operation, maintenance, repair or removal of its ~~Micro Wireless~~ **Small Cell Facility and Wireless Support Structure**, and in providing or offering Services over the ~~Micro Wireless~~ **Small Cell Facility and Wireless Support Structure**, whether such acts or omissions are authorized, allowed or prohibited by this Chapter.

**876.03 GENERAL PUBLIC RIGHT-OF-WAY USE REGULATIONS.**

(a) Public Right-of-Way Route. Consent granted to a Service Provider to Occupy or Use the Public Right-of-Way under Section 876.02 shall be limited to a grant to Occupy or Use the specific Public Right-of-Way and defined portions thereof, including the specific ~~Micro Wireless~~ **Small Cell Facility and Wireless Support Structure** and location along the Public Right-of-Way, as approved by the City.

(b) Nonexclusive Consent to Occupy the Public Right-of-Way. No consent granted under Section 876.02 shall confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City, other than as specifically provided in said consent.

(c) Rights Permitted. No consent granted under Section 876.02 shall convey any right, title or interest in the Public Right-of-Way, but shall be deemed a consent only to Occupy or Use the Public Right-of-Way for the limited purposes granted by the consent. Further, no consent shall be construed as any warranty of title.

(d) Maximum Permitted Height. ~~A Micro Wireless Facility may be attached to a Wireless Support Structure where the increased height would be not more than ten (10) feet or the overall resulting height would be not more than fifty (50) feet.~~

(1) Existing Wireless Support Structures. For an existing **Wireless Support Structure**, the Antenna and any associated shroud or concealment material are permitted to be Collocated at the top of the existing **Wireless Support Structure** and shall not increase the height of the existing **Wireless Support Structure** by more than five (5) feet.

(2) New Wireless Support Structures.

(A) For a new **Wireless Support Structure**, the overall height of the **Wireless Support Structure** and any Collocated Antenna shall not be more than forty (40) feet in height above established grade measured at the base of the **Wireless Support Structure**.

- (B) The City may limit the maximum permissible height of **Wireless Support Structures** to not less than thirty-five (35) feet in height above established grade measured at the base of the structure in areas meeting the following criteria:
- (i) The area is within three hundred (300) feet of the proposed site for a new or existing **Wireless Support Structure** in the same right-of-way or a connecting right-of-way, and where there are no **Wireless Support Structures** or utility poles taller than thirty (30) feet in height above ground level; and
  - (ii) The maximum allowable height for building construction in the underlying or adjacent zoning district is thirty-five (35) feet in height above ground level or less.

(e) Maximum Size. The ~~Micro-Wireless~~**Small Cell** Facility must conform to the size limitations as defined for a Small Cell Facility in Section 876.01(b)(26) of this Chapter.

(f) Color. The ~~Micro-Wireless~~**Small Cell** Facilities shall be a color or colors that are consistent with or most blends into the **Wireless Support Structure** on which they are installed, unless a different color is needed for public safety or service reliability reasons, **all as determined by the Planning Commission**.

(g) Wiring and Cabling. Wires and cables connecting the ~~Micro~~**WirelessSmall Cell** Facility shall be installed in accordance with the version of the National Electrical Code adopted by the City and in force at the time of installation. In no event shall wiring and cabling serving the ~~Micro-Wireless~~**Small Cell** Facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, telephone utility or other utility.

(h) Reservation by City for Future Uses. The City may reserve space for future public safety or transportation uses in the Public Right-of-Way, or on a **Wireless Support Structure** or pole owned by the City. Said reservation of space shall be set forth in a documented plan, subject to the approval of the Planning Commission. A reservation of space by the City shall not preclude placement of a pole or Collocation of a Small Cell Facility by a Private Service Provider; provided, however, that said pole or **Wireless Support Structure** shall accommodate any future use reserved by the City. In the event it is necessary to replace any City pole or **Wireless Support Structure** to accommodate the Collocation of a Service Provider's Small Cell Facility, the Service Provider shall pay for the replacement of the City pole or **Wireless Support Structure**

(i) Alternate Location. The City may propose an alternate location to the proposed location of a new Wireless Support Structure that is either within one hundred (100) feet of the location set forth in a Person's application for Consent to Occupy or use a Public Right-of-Way; or is within a distance that is equivalent to the width of the Public Right-of-Way that the new Wireless Support Structure is proposed to be located on; whichever is greater. Any applicant or Service Provider shall be required to use the alternate location proposed by the City, if the applicant or Service Provider has the right to use the alternate location on reasonable terms and conditions, and the alternate location does not impose technical limits or additional costs.

(j) Time for Completion. Any Collocation or Construction of a new Wireless Support Structure shall be completed within one hundred eighty (180) days after the issuance of a Consent to Occupy or Use the Public Right-of-Way. The City and Service Provider may extend this completion date by mutual agreement.

(k) Underground Placement. No Small Cell Facility or Wireless Support Structure shall be constructed in a Public Right-of-Way that is located in an area in which it was required, or will be required, under the Strongsville Codified Ordinances, to install any electric Facilities, telephone Facilities, or any other utility Facilities underground. This prohibition shall not apply to the replacement of a Wireless Support Structure or the Collocation of a Small Cell Facility on a Wireless Support Structure that exists or might exist in said designated area. A Service Provider may apply to the Planning Commission for a waiver of the underground placement requirement for the Construction of a new Wireless Support Structure if the Service Provider is unable to achieve its service objection under the following circumstances:

- (1) From a location in the Public Right-of-Way where the prohibition does not apply;
- (2) In a utility easement the Service provider has the right to access; or,
- (3) In or on other suitable locations or structures made available by the City at reasonable rates, fees and terms.

(~~hl~~) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure**, unless the ~~Micro-Wireless~~ **Small Cell Facility** is proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date of the request for consent.

(~~im~~) Grounding. The ~~Micro-Wireless~~ **Small Cell Facility**, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the City regarding grounding of wireless facilities.

(jn) Signage. Other than warning or notification signs required by federal law, or identification and location markings **or other markings** required by the City, a ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure** shall not have signs installed thereon.

(ko) Maintenance of ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure**. Each Service Provider shall maintain its ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure** in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(lp) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as necessary and in accordance with applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of such work in or affecting such Public Right-of-Way or property.

(mq) Interference with the Public Right-of-Ways. No Service Provider may locate or maintain its ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure** so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or upon the Public Right-of-Way. All such ~~Micro Wireless~~**Small Cell Facilities and Wireless Support Structures** shall be moved by the Service Provider, temporarily or permanently, as determined by the Building Commissioner when necessary to protect the public, comply with the provisions of this Chapter, or otherwise comply with local, state or federal laws. The expense or cost to move said ~~Micro Wireless~~**Small Cell Facility and Wireless Support Structure** shall be the responsibility of the Service Provider.

(nr) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, Public Right-of-Way, or other public or private property located in, on or adjacent thereto.

(es) Restoration of Public Right-of-Way, Other Ways and City Property.

- (1) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions therefrom and restore such ways or property, within ten (10) to thirty (30) days, at the Building Commissioner's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.
- (2) If weather or other conditions do not permit the complete restoration required by this Section, the Service Provider shall temporarily restore the affected ways or property as directed by the

Building Commissioner. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

(pt) Damage to Service Provider's ~~Micro-Wireless~~Small Cell Facility and Wireless Support Structure. Unless directly and proximately caused by the willful, intentional or malicious acts of the City, the City shall not be liable for any damage to or loss of any ~~Micro-Wireless~~Small Cell Facility or Wireless Support Structure in the Public Right-of-Way of the City as a result of or in connection with, but not limited to, any public works, public improvements, Construction, Excavation, grading, filling, salting, snow removal or work of any kind in the Public Right-of-Way by or on behalf of the City.

(qu) Duty to Provide Information. Within ten (10) days of a written request from the City, each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this Chapter.

(rv) Assignments or Transfers of Consent. Consent to Occupy or Use the Public Right-of-Way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

- (1) The City is notified of the proposed transfer on or before the date of transfer; and
- (2) The transferee shall fully comply with this Chapter within sixty (60) days of the transfer, including, but not limited to:
  - (A) All information required by the application for consent to Occupy or Use the Public Right-of-Way pursuant to Section 876.02 of this Chapter; and
  - (B) Any other information reasonably required by the City.

(sw) Revocation of Consent. Consent granted by the City to Occupy or Use the Public Right-of-Way of the City may be revoked for any one of the following reasons:

- (1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location.
- (2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements.
- (3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any Permit application or registration required by the City.
- (4) Abandonment of ~~Micro-Wireless~~Small Cell Facility and/or Wireless Support Structure in the Public Right-of-Way.



- (5) Failure to relocate or remove a ~~Micro-Wireless~~ **Small Cell Facility and/or Wireless Support Structure** or failure to restore the Public Right-of-Way, as required by this Chapter.
- (6) Insolvency or bankruptcy of the Service Provider.
- (7) The ~~Micro-Wireless~~ **Small Cell Facility and/or Wireless Support Structure** is in a state of disrepair which creates a public nuisance.
- (8) Violation of material provisions of this Chapter.
- (9) Construction under the consent is not commenced within two (2) years of the consent approval date.

(~~ix~~) Notice and Duty to Cure. In the event that the Building Commissioner believes that grounds exist for revocation of consent to Occupy or Use the Public Right-of-Way or Construction Permit, the Building Commissioner shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(y) Municipal Structures. **A Service Provider may Collocate a Small Cell Facility on a Wireless Support Structure owned by the City and which is located in the Public Right-of-Way, provided that the Person complies with applicable design guidelines and conditions for such Collocation adopted by the City that are consistent with said design guidelines under this Chapter. The City may condition approval of said Collocation on the replacement or modification of the City's Wireless Support Structure, at the Service Provider's cost, if the City determines that replacement or modification of the City's Wireless Support Structure is necessary. The City shall retain ownership of any City Wireless Support Structure that is replaced. The City shall annually charge the amount of Two Hundred Dollars (\$200.00) per each Small Cell Facility Collocated on a Wireless Support Structure owned by the City and located in the Public Right-of-Way.**

#### 876.04 LOCATION, RELOCATION AND REMOVAL OF ~~MICRO-WIRELESS~~ **SMALL CELL FACILITY AND WIRELESS SUPPORT STRUCTURE**

(a) Excess Capacity. To reduce Excavation and congestion in the Public Right-of-Way, it is the City's goal to encourage Service Providers to share occupancy of ~~Utility Poles~~ **Utility Poles**, as well as to construct, whenever possible, excess available space on ~~Utility Poles and Wireless Support Structures~~ **Utility Poles and Wireless Support Structures** for occupancy of future ~~Micro-Wireless~~ **Small Cell** Facilities in the Public Right-of-Way. The Service Provider may charge a reasonable market lease rate to other Providers for occupancy of the additional utility pole space as reimbursement.

(b) Relocation or Removal of Facilities. Within thirty (30) days following written notice from the City, a Service Provider shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** in the Public Right-of-Way whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

- (1) The Construction, Reconstruction, repair, maintenance or installation of any City or other public improvement in or upon the Public Right-of-Way.
- (2) The operations of the City or other governmental entity in or upon the Public Right-of-Way.

(c) Removal of Unauthorized ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure.** Within thirty (30) days following written notice from the City, any Service Provider or other Person that owns, controls or maintains any unauthorized ~~Micro-Wireless~~ **Small Cell Facility, Wireless Support Structure** or related appurtenances in the Public Right-of-Way shall, at its own expense, remove the ~~Micro-Wireless~~ **Small Cell Facility, Wireless Support Structure** or appurtenances from the Public Right-of-Way of the City. After the thirty (30) days have expired, the City may remove the ~~Micro-Wireless~~ **Small Cell Facility, Wireless Support Structure** or appurtenances from the Public Right-of-Way at the other party's expense. A ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** is unauthorized and subject to removal in the following circumstances:

- (1) Upon revocation of the Service Provider's consent to Occupy or Use the Public Right-of-Way;
- (2) Upon abandonment of a ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** in the Public Right-of-Way of the City;
- (3) If the ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** was Constructed, Reconstructed, installed, operated, located or maintained without the consent to do so, except as otherwise provided by this Chapter;
- (4) If the ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** was Constructed, Reconstructed, installed, operated, located or maintained, or any Excavation of a Public Right-of-Way was performed, without prior issuance of a required Construction Permit, except as otherwise provided by this Chapter;
- (5) If the ~~Micro-Wireless~~ **Small Cell Facility and Wireless Support Structure** was Constructed, Reconstructed, installed, operated, located or maintained, or any Excavation of a Public Right-of-Way was performed, at a location not permitted pursuant to the City's consent to Occupy or Use the Public Right-of-Way or Construction Permit;

(d) Emergency Removal or Relocation of ~~Micro Wireless~~ Small Cell Facility and Wireless Support Structure. The City retains the right and privilege to cut or move any Facilities, or stop work on any Construction, Reconstruction, installation, operation or Excavation, located in the Public Right-of-Way of the City, as the City may determine to be necessary, appropriate or useful in response to any need to protect the public health, safety or welfare.

**876.05 NOTICE OF WORK, ROUTINE MAINTENANCE AND EMERGENCY WORK.**

(a) Notice of Work. Except in case of Emergency, as provided in Section 876.05(c), or for Routine Maintenance as provided in Section 876.05(b), no Service Provider, or any Person acting on the Service Provider's behalf, shall commence any work in the Public Right-of-Way of the City without twenty-four (24) hours advance notice to the City, obtaining consent to Occupy or Use the Public Right-of-Way pursuant to Section 876.02, if required.

(b) Routine Maintenance and New Service Orders.

- (1) A Service Provider need not obtain a Construction Permit or notify the City prior to or after commencing any Routine Maintenance or New Service Orders that do not include the Construction in, or Excavation or Lane obstruction of, a Public Right-of-Way or closing of a Public Street.
- (2) For Routine Maintenance and New Service Orders that require the Service Provider to cause a Lane Obstruction in a Public Street for more than two (2) hours, the Service Provider shall provide the City with forty-eight (48) hours advance written notice prior to commencing the Routine Maintenance or New Service Order, and shall submit a drawing showing the planned traffic maintenance and indicating how the Service Provider will meet all requirements of ODOT's Manual of Traffic Control Devices or other applicable governmental regulations.

(c) Emergency Work. In the event of the need for any unexpected repair or Emergency work, a Service Provider may commence such Emergency response work as required under the circumstances, provided that for Emergency work that requires Excavation of a Public Right-of-Way or Lane Obstruction or closing of a Public Street, the Service Provider shall notify the City as promptly as possible before commencing such Emergency work, or as soon as possible thereafter if advance notice is not practicable. When notice is required, the Service Provider shall notify the Building Commissioner.

**876.06 MISCELLANEOUS PROVISIONS.**

(a) Other City Ordinances. In the event that any provision of this Chapter conflicts with any other provision of the City's Codified Ordinances or other ordinances or resolutions of the City, the more restrictive provision shall govern.

(b) Preemption by State and Federal Law. Except as may be preempted by applicable State or Federal law, rates, regulations, and orders, this Chapter shall apply and be controlling over each Service Provider engaged in the business of transmitting, supplying or furnishing of Services originating, passing through, or terminating in the City.

(c) Exemption for City-Owned or Operated Facilities. Nothing in this Chapter shall be construed to apply the provisions of this Chapter to Facilities, Facility, ~~Micro~~ ~~Wireless~~ **Small Cell Facility, Wireless Support Structure** or Private Facility owned or operated by the City or any of its operations.

(d) Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Chapter, or its application to any Person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**876.99 PENALTIES AND OTHER REMEDIES.**

(a) Penalties. Any Person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth (4th) degree. A separate and distinct Offense shall be deemed committed each day on which a violation occurs or continues.

(b) Civil Violations and Forfeiture.

- (i) In lieu of the criminal penalties set forth above, the Building Commissioner may make an initial finding of a civil violation by the Service Provider for violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter.
- (ii) The Civil Forfeiture shall be in an amount payable to the City of not less than \$100.00 nor more than \$500.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (iii) An action for civil forfeiture shall be commenced by providing the Service Provider with written notice describing in reasonable detail the Service Provider's alleged violation of one or more provisions of this Chapter and the amount of the penalty that will be assessed against it.
- (iv) The Service Provider shall have fifteen (15) days subsequent to receipt of the notice of violation in which to correct the violation before the City may assess penalties against the Service Provider. The time in which to cure the violation may be extended by the City if, in the City's sole discretion, it determines that additional time is required to correct the violation; provided that the Service Provider commences corrective action within seven (7) days of the notice of violation and proceeds with reasonable diligence.
- (v) The Service Provider may dispute the alleged violation by providing the City with written notice within five (5) days of receipt of the notice of violation, setting forth in reasonable detail the reasons for

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 088**  
**Page 21**

its dispute. The City shall set a date for hearing of the alleged violation before the Board of Building Code Appeals no sooner than thirty (30) days and not later than sixty (60) days from receipt of the notice of dispute.

- (vi) The City shall issue a written decision on the Service Provider's alleged violation within thirty (30) days after the hearing, which decision shall be final and subject to the administrative appeal procedures under Ohio law. If the City finds after hearing that the alleged violation(s) did occur, the penalty shall be assessed starting fifteen (15) days from the notice of violation and shall continue until the violation has been corrected.

(c) Other Remedies. Nothing in this Chapter shall be construed as limiting any administrative or judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.

~~(Ord. 2017-027. Passed 4-17-17.)~~

**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 necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that there is a need to accommodate and manage the increasing demand for the use of public rights-of-way 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.

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-088 Amended: \_\_\_\_\_  
 1st Rdg. 06-04-18 Ref: COW  
 2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 091

By: Mayor Perciak and Mr. Schonhut

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A PERPETUAL EASEMENT FOR TRAFFIC SIGNAL PURPOSES, ON REAL PROPERTY LOCATED AT THE INTERSECTION OF ROYALTON ROAD AND SOUTHPARK CENTER DRIVE IN THE CITY OF STRONGSVILLE, IN CONNECTION WITH THE CITY-WIDE TRAFFIC SIGNAL SYSTEM UPGRADE PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Strongsville is in the process of making improvements to its traffic signal devices in connection with the City-wide Traffic Signal System Upgrade Project; and

WHEREAS, in order to replace an existing traffic signal strain pole with a pedestrian signal and pushbutton pull box traffic signal pole, it is necessary to accept a perpetual Easement on property located at the intersection of Royalton Road and Southpark Center Drive, which is owned by SouthPark Mall, LLC, a Delaware limited liability company, and further identified as Permanent Parcel No. 396-22-008, for the purposes of construction, maintenance, inspection, operation, protection, repair and replacement of an existing traffic signal pole, as described herein; and

WHEREAS, the City has had the subject property appraised, and the proposed purchase price for such perpetual Easement does not exceed the appraised value.

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 accept a perpetual Easement for construction, maintenance, inspection, operation, protection, repair and replacement for traffic signal device purposes over, across and upon a portion of property owned by SouthPark Mall, LLC, a Delaware limited liability company, and located at the intersection of Royalton Road and Southpark Center Drive, and further known as being part of Permanent Parcel No. 396-22-008, and as more fully set forth in Exhibit A attached hereto and incorporated herein by reference.

**Section 2.** That upon acceptance of said Easement by the City and evidence of title satisfactory to the Law Director, the Clerk of Council is hereby directed to cause the said Easement document to be recorded in the office of the Cuyahoga County Fiscal Office.

**Section 3.** That the Director of Finance be and is hereby authorized and directed to pay to SouthPark Mall, LLC, a Delaware limited liability company, the amount of \$4,530.00, in accordance with the terms and conditions set forth in Exhibit A. Said funds have been appropriated and shall be paid from the General Capital Improvement Fund.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 091**  
**Page 2**

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

**Section 5.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to obtain the aforesaid Easement in order to make improvements to the City's traffic signal devices, to ensure safety in movement of vehicles and traffic 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.

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-091 Amended: \_\_\_\_\_

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

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

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

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

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

ODOT LPA RE 804  
Rev. 09/2012

ED  
LPA

### EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: SouthPark Mall LLC, a Delaware limited liability company, the Grantor(s) herein, in consideration of the sum of \$4,530.00, to be paid by the City of Strongsville, County of Cuyahoga, State of Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 396-22-008 SH

City of Strongsville-Traffic Signal

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Cuyahoga County Current Tax Parcel No. 396-22-008  
Prior Instrument Reference: Limited Warranty Deed Instrument No. 200702201243, Cuyahoga County Recorder's Office.

And the said Grantor(s), for itself and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that the Grantee decides not to use the property conveyed herein for the above-stated purpose, the Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property

EX.A



for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF SouthPark Mall LLC, a Delaware limited liability company has caused its name to be subscribed by SRP PROPERTY MANAGEMENT, LLC, its duly authorized agent and signatory, and its duly authorized agent on the 31<sup>st</sup> day of May, 2018

SOUTHPARK MALL LLC, A DELAWARE LIMITED LIABILITY COMPANY

By: SRP PROPERTY MANAGEMENT, LLC, a Delaware limited liability company, as its agent and authorized signatory

By: [Signature]

Printed: Carl Tash

Title Chief Strategist

STATE OF ILLINOIS, COUNTY OF COOK ss:

BE IT REMEMBERED, that on the 31<sup>st</sup> day of May, 2018, before me the subscriber, a Notary Public in and for said state and county, personally came the above named **Error! Reference source not found.**, who acknowledged being the Chief Strategist and duly authorized agent of SRP PROPERTY MANAGEMENT, LLC, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC: [Signature]  
My Commission expires: \_\_\_\_\_

This document was prepared by: the City of Strongsville, Ohio.



**EXHIBIT A**

Page 1 of 2

**A PERPETUAL EASEMENT FOR THE CONSTRUCTION, MAINTENANCE,  
INSPECTION, OPERATION, PROTECTION, REPAIR AND REPLACEMENT OF  
TRAFFIC SIGNAL DEVICES WITHIN THE FOLLOWING DESCRIBED LANDS  
IN THE NAME AND FOR THE USE OF THE CITY OF STRONGSVILLE,  
COUNTY OF CUYAHOGA, STATE OF OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio, and known as being part of Original Strongsville Township Lot 36, being a part of Parcel 2 in a Lot Split Plat recorded in Volume 274, Page 49 of the Cuyahoga County Records., and more particularly bounded and described as follows:

Commencing at a point of curvature of a non-tangent curve and the intersection of the Royalton Road (S.R. 82) southern right of way (width varies) with the western property line of Parcel 11 as shown in said Lot Split Plat and the TRUE PLACE OF BEGINNING of the parcel herein;

1. thence, along said property line of Parcel 11 along an arc of curve to the right having a radius of 50.00 feet, an arc length of 0.50 feet, a chord bearing South 45 degrees 45 minutes 55 seconds East, a chord length of 0.50 feet, and a delta of 0 degrees 34 minutes 39 seconds;
2. thence, due South a distance of 11.24 feet;
3. thence, due West a distance of 26.66 feet;
4. thence, due North a distance of 11.59 feet to the Royalton Road (S.R. 82) southern right of way;
5. thence, along the Royalton Road (S.R. 82) southern right of way, due East a distance of 26.30 feet to the TRUE PLACE OF BEGINNING and enclosing an area of 0.0071 acres (309 square feet), more or less, none of which is present road occupied and is from Cuyahoga County Auditors Parcel No. 396-22-008.

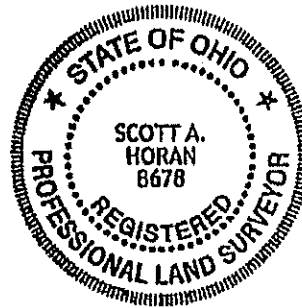
**EXHIBIT A**

Grantor claims title by Instrument No. 200702201243 of the Cuyahoga County Records.

This legal description and the bearings contained herein are based upon a Lot Split Plat developed by Kenneth L. Bohning in July 1995 and recorded in Volume 274 Page 49 of the Cuyahoga County Records.

This legal description was prepared by Scott A. Horan, P.S., Registered Surveyor No. 8678, and was made in December 2016 for the City of Strongsville, Ohio.

*Scott Horan* 12/15/16



ROYALTON ROAD (S.R. 18) @ RIGHT OF WAY (VARIES)

WEST-EAST 26.30'

T.P.O.B.

CURVE A

R/W

R/W

74'

EAST-WEST 26.66'

PARCEL 2

PLAT VOL. 274 PAGE 49

P.P.N. 396-22-008

INST. NO. 200702201243

PARCEL 11

PLAT VOL. 274 PAGE 49

① NORTH-SOUTH 11.24'

② SOUTH-NORTH 11.59'

Ⓐ R= 50.00'

L= 0.50'

CB= S 45°45'55" E

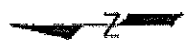
CL= 0.50'

Δ= 00°34'39"

PROPOSED EASEMENT AREA:

0.0071 ACRES

309 SQUARE FEET



## PROJECT DESCRIPTION

City of Strongsville – Traffic Signal Project

396-22-008

Date of offer: 3/29/17

To avoid any misunderstanding as to the work to be done, you are being furnished this project description. The following explains the type of acquisition.

**Project Scope:** The City of Strongsville is replacing the existing traffic signal strain pole with a pedestrian signal and pushbutton pull box traffic signal pole.

The City of Strongsville needs to acquire 0.0071 of an acre (309 SF) in order to accomplish this work. The property needed is being acquired from Auditor's Tax Parcel Number 396-22-008. The City is acquiring this property via a Standard Highway Easement. The Standard Highway Easement is a permanent easement being acquired in the City's name, however, you will remain the underlying Fee Owner of the property.

This property is located at the intersection of Royalton Road (S.R. 18) and Southpark Center Dr. The acquisition area is rectangular in shape and located on the western side of Southpark Center Dr. While there are no Right of Way or Construction plans for this project, the area to be acquired is highlighted in green on the legal description/plat sheet attached to the Notice of Intent to Acquire and Good Faith Offer.

The City wishes to begin work this coming construction season once the easement area is secured.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 092

By: Mr. Schonhut

**A RESOLUTION PROVIDING FOR THE SUBMISSION OF  
ORDINANCE NO. 2018-050 TO THE ELECTORS,  
ESTABLISHING AN ELECTION DATE THEREFOR, AND  
DECLARING AN EMERGENCY.**

WHEREAS, on June 18, 2018, Council passed Ordinance No. 2018-050, entitled "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 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification, and Declaring an Emergency."; and

WHEREAS, Article VIII, Section 6 of the City Charter provides that neither the Council, the Mayor, any Board, including Board of Appeals, or Commission appointed pursuant to this Charter, or any ordinance or resolution of this Municipality, nor any other agent, employee, person or organization acting for or on behalf of this Municipality, by whatever authority or purported authority, shall by ordinance, resolution, motion, proclamation, statement, legislative or administrative action, or variance effect a change in the zoning classification or district of any property or area in the City of Strongsville from R1-75 (One Family 75) or R1-100 (One Family 100) commonly known as single family residential, or by whatever other name called, to any other zoning classification or district unless the change or grant, after adoption in accordance with applicable administrative and/or legislative procedures, is approved at a regularly scheduled election by a majority vote of the electors voting thereon, in the City of Strongsville and in each ward in which the change is applicable to property in the ward, and the results of that election have been certified by the Board of Elections.

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

**Section 1.** That this Council hereby sets the date of the next regularly scheduled General Election of November 6, 2018, for submission of Ordinance No. 2018-050 to the electors of the City of Strongsville, a copy of which is attached hereto and incorporated herein as if fully rewritten.

**Section 2.** That this Council hereby requests the Board of Elections to do all things necessary to provide for the submission of Ordinance No. 2018-050 on said date to the electors of the City of Strongsville.

**Section 3.** That it is the recommendation of this Council that the ballots for said question shall be in substantially the following form:

**PROPOSED ZONING AMENDMENT**

A majority affirmative vote of the electors voting thereon in the City and in Ward 3 are necessary for passage.

**CITY OF STRONGSVILLE, OHIO**  
**RESOLUTION NO. 2018 – 092**  
**Page 2**

Shall the Zoning Map of Strongsville adopted by Section 1250.03 of the Codified Ordinances of Strongsville be amended to change the classification of certain real estate located at 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Board of Elections of Cuyahoga County on or before August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County is requested to cause an appropriate notice to be duly given of the regularly scheduled General Election to be held on November 6, 2018, on the foregoing Ordinance of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay any filing fee or other nominal costs associated with carrying out the authorizations and directions of this Resolution.

**Section 7.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 8.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that, in accordance with the City Charter, it is immediately necessary to submit the aforementioned zoning amendment to the Board of Elections in order to meet the legal deadline and place said question before the electorate at the November 6, 2018 General Election. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

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

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

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

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

CITY OF STRONGSVILLE, OHIO  
RESOLUTION NO. 2018 – 092  
Page 3

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

RES

ORD. No. 2018-092 Amended: \_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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



CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2018 - 093  
BY: MAYOR THOMAS P. PERCIAK

AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2018 AND REPEALING ORDINANCE NUMBER 2018 - 066.

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

Section 1: THAT THERE BE APPROPRIATED FROM THE FOLLOWING FUNDS AND AS FURTHER DETAILED IN THE SCHEDULE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN:

<u>General Fund - 101</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
101	Total General Fund	\$ 17,699,300.00	\$ 8,069,100.00	\$ 12,212,000.00	\$ 37,980,400.00

<u>Special Revenue Funds - 200</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
203	Police Pension	\$ 1,365,300.00	-	-	\$ 1,365,300.00
204	Street Construction & Maintenance	5,351,500.00	8,051,300.00	-	13,402,800.00
205	State Highway Maintenance	-	140,000.00	-	140,000.00
206	Motor Vehicle License Tax	-	400,000.00	-	400,000.00
207	Emergency Vehicle Fund	-	1,081,000.00	-	1,081,000.00
208	Fire Levy	7,698,000.00	711,900.00	-	8,409,900.00
209	Fire Pension	1,479,400.00	-	-	1,479,400.00
211	Clerk of Court	-	40,000.00	-	40,000.00
212	Drainage Levy	-	1,125,500.00	-	1,125,500.00
214	Multi-Purpose Complex	3,277,400.00	2,011,600.00	-	5,289,000.00
215	Southwest General Hospital	-	356,296.00	-	356,296.00
216	Law Enforcement Federal Seizures	-	7,000.00	-	7,000.00
217	Law Enforcement State Seizures	-	12,000.00	-	12,000.00
218	Law Enforcement Drug Fine	-	400.00	-	400.00
219	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
220	Tree Fund	-	150,000.00	-	150,000.00
222	Community Diversion	11,300.00	2,300.00	-	13,600.00
224	Earned Benefits	505,800.00	-	-	505,800.00
200	Total Special Revenue Funds	\$ 19,688,700.00	\$ 14,099,296.00	\$ -	\$ 33,787,996.00

<u>Debt Service Funds - 300</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
331	General Bond Retirement	-	\$ 3,471,275.00	-	\$ 3,471,275.00
333	Pearl Road TIF # 1 Fund	-	572,300.00	-	572,300.00
334	Royalton Road TIF Fund	-	3,000.00	-	3,000.00
335	Pearl Road TIF # 2 Fund	-	-	-	-
336	Pearl Road TIF # 3 Fund	-	-	-	-
337	Westwood Commons TIF Fund	-	-	20,000.00	20,000.00
338	Giant Eagle TIF	-	-	-	-
300	Total Debt Service Funds	\$ -	\$ 4,046,575.00	\$ 20,000.00	\$ 4,066,575.00

<u>Capital Improvement Capital Project Funds - 400</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
441	Recreation Capital Improvement	-	\$ 1,200,000.00	-	\$ 1,200,000.00
442	General Capital Improvement	-	6,303,000.00	-	6,303,000.00
447	TIF Capital Improvements Fund	-	124,000.00	-	124,000.00
400	Total Capital Project Funds	\$ -	\$ 7,627,000.00	\$ -	\$ 7,627,000.00

Enterprise Funds - 500					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
551	Sanitary Sewer	\$ 1,482,100.00	\$ 9,792,634.00	\$ -	\$ 11,274,734.00

Internal Service Fund - 600					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
661	Health Insurance Reserve	\$ -	\$ 5,142,700.00	\$ -	\$ 5,142,700.00
664	Worker's Compensation Reserve	-	620,000.00	-	620,000.00
600	Total Internal Service Funds	\$ -	\$ 5,762,700.00	\$ -	\$ 5,762,700.00

<b>Grand Total All Funds</b>		<b>\$ 38,870,100.00</b>	<b>\$ 49,397,305.00</b>	<b>\$ 12,232,000.00</b>	<b>\$ 100,499,405.00</b>
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Itemized list of Transfers and Advances by Fund		Amount
General Fund to Street Construction Fund		\$ 4,300,000.00
General Fund to Fire Levy Fund		3,000,000.00
General Fund to Multi-Complex Fund		1,600,000.00
General Fund to Police Pension Fund		840,000.00
General Fund to Fire Pension Fund		972,000.00
General Fund to Drainage Levy Fund		200,000.00
General Fund to Earned Benefits Fund		500,000.00
General Fund to General Bond Retirement		300,000.00
General Fund to General Capital Improvement Fund		500,000.00
<b>Total Transfers</b>		<b>\$ 12,212,000.00</b>
Westwood Commons TIF to General Fund		20,000.00
<b>Total Advance Repayments</b>		<b>\$ 20,000.00</b>
<b>Total Transfers and Advance Repayments</b>		<b>\$ 12,232,000.00</b>

Section 2: That all expenditures within the fiscal year ending December 31, 2018 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided.

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: AS AN ORDINANCE providing for the appropriation of monies and consistent with the City's Charter Article III, Section 13, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, or otherwise at the earliest time allowed by law.

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

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

ORD. No. 2018-043 Amended: \_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2018 – 094**

**By: Mayor Perciak and Ms. Roff**

**AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2017-071 TO INCREASE THE APPROPRIATED CONTRACT AMOUNT AND AMEND THE CONTRACT WITH KOKOSING MATERIALS, INC. FOR PURCHASE OF ASPHALT MATERIALS FOR USE BY THE SERVICE DEPARTMENT OF THE CITY, WITHOUT FURTHER PUBLIC BIDDING, AND DECLARING AN EMERGENCY.**

WHEREAS, through adoption of Ordinance No. 2017-071 after public bidding, the Council approved and authorized the Mayor to enter into a contract with Kokosing Materials, Inc. for the purchase of asphalt materials through 2018 at unit prices, but in a total amount not to exceed \$250,000.00; and

WHEREAS, since then, it has come to the attention of the City's Service Department that a number of additional roads in the City, beyond those originally anticipated, contained poor surface conditions that significantly deteriorated over the last winter season, which thereby constituted potential safety hazards to persons and property, and could jeopardize safe travel by the public; and

WHEREAS, such roads need to be promptly patched and/or repaired or otherwise re-paved prior to the advent of cold weather when they could further deteriorate and be subject to the effect of city snow plows; and

WHEREAS, it is, therefore, necessary to allocate additional funds in the amount of up to \$100,000.00 on an emergency basis to address such significant street and road issues under the City's existing contract for asphalt materials without further public bidding, to amend prior Ordinance No. 2017-071 and the contract authorized thereby, in order to facilitate payment of charges, of necessity, incurred by the City's Service Department; and

WHEREAS, the City's Service Director has now recommended that it is further necessary to amend the contract with Kokosing Materials, Inc. and to increase the not-to-exceed amount in the authorizing Ordinance due to such additional unforeseen circumstances and road conditions encountered, and to provide additional payment for such changes in the work in the amount of up to \$100,000.00.

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

**Section 1.** That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it has become immediately necessary to provide additional asphalt materials in order to repair and/or re-pave various additional roads within the City which were significantly deteriorating, prior to the winter season, without further

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 094**  
**Page 2**

public bidding, and in order to provide for the operation of the Service Department, and the proper maintenance of the roads and streets within the City, to protect the health, safety and welfare of the residents and the traveling public, and to conserve public funds.

**Section 2.** That Section 2 of Ordinance No. 2017-071 is hereby amended to read in its entirety as follows:

**“Section 2.** That the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder for the purchase of various asphalt materials for use by the Service Department of the City during the period of 2017 and 2018, in accordance with the specifications on file in the office of the Director of Public Service, and for the unit prices and sums submitted in such bid, but in any event not to exceed the total amount of ~~\$250,000.00~~**\$350,000.00** during the term of the contract. Said contract shall be in a form approved by the Law Director.”

**Section 3.** That for the reasons aforesaid, this Council hereby approves and authorizes the Mayor to enter into an amendment to the contract with **KOKOSING MATERIALS, INC.** for asphalt materials in order to increase the not-to-exceed amount, but at the same unit prices, from \$250,000.00 to \$350,000.00 through December 31, 2018, and without further public bidding.

**Section 4.** That the funds for the purposes of this amendment have been appropriated and shall be paid from the Street Construction, Maintenance and Repair Fund.

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

**Section 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to amend the prior Ordinance and contract in order to provide sufficient funds for payment of additional asphalt materials necessary to ensure safe roads for the traveling public, to complete necessary work prior to the advent of inclement weather, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

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

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

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

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2018 – 094  
Page 3

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-094 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 095

By: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE II OF THE CHARTER OF THE CITY ENTITLED "THE MAYOR" IN SECTION 5(g) TO PROVIDE FOR THE EDUCATION REQUIREMENTS FOR THE POLICE AND FIRE DEPARTMENTS IN ORDER TO BE ELIGIBLE FOR THE FUTURE PROMOTION BY THE MAYOR TO CHIEF OF POLICE AND FIRE CHIEF, RESPECTIVELY, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article II, Section 5(g) of the City's Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That for future appointments to the position of Chief of Police and Fire Chief, to provide for the education requirements for the Police and Fire Departments in order to be eligible for promotion by the Mayor to Chief of Police and Fire Chief, respectively:

Section 5(g) of Article II of the City Charter shall be amended to read as follows:

**ARTICLE II  
THE MAYOR**

\* \* \*

**SECTION 5. DUTIES**

\* \* \*

(g) Appointment of Chief of Police and Fire Chief. The Chief of Police and Chief of the Fire Department shall be appointed by the Mayor from the ranks of the respective departments in the manner hereinafter provided. When either office shall for any reason become vacant, a suitable examination shall be given by and under the direction of the Civil Service Commission to such officers in the Police Department

having attained the rank of sergeant or higher **and having a Bachelor's Degree from an accredited institution**, or in the Fire Department having attained the rank of lieutenant or higher **and having a Bachelor's Degree from an accredited institution**, as may desire to be considered therefor. **Said requirement of having a Bachelor's Degree from an accredited institution shall go into effect at the time of the adoption of this amendment to the Charter but shall not apply to any individual currently holding the position of Chief of Police or Fire Chief.** From the three members receiving the highest grades upon said examination, the Mayor shall appoint one to fill such vacancy, such appointment to be subject to confirmation by the majority vote of the members elected to Council.

~~(Amended 11-5-13)~~

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 5(g) of Article II shall be and the same is hereby repealed and replaced by the new Section 5(g) of said Article II.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 5(g) of Article II of the City Charter be amended to provide that for future appointments to the position of Chief of Police and Fire Chief, officers in the Police Department attaining the rank of sergeant or higher and having a Bachelor's Degree from an accredited institution, and officers in the Fire Department attaining the rank of lieutenant or higher and having a Bachelor's Degree from an accredited institution, shall be eligible, after examination by the Civil Service Commission, for appointment by the Mayor to promotion to Chief of Police and Fire Chief, respectively?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendments to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 095**  
**Page 3**

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendments to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-095 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. 2018 – 096

By: Mayor Perciak and All Members of Council

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE II OF THE CHARTER OF THE CITY ENTITLED “THE MAYOR” IN SECTION 7 TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED AND ORDER OF SUCCESSION IN THE EVENT OF THE ABSENCE OR VACANCY IN THE OFFICE OF MAYOR, AND DECLARING AN EMERGENCY.**

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article II, Section 7 of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide for the procedure to be followed and the order of succession in the Office of Mayor, in the event of the Mayor’s absence or vacancy from said office:

Section 7 of Article II of the City Charter shall be amended to read as follows:

**ARTICLE II  
THE MAYOR**

\* \* \*

**SECTION 7. VACANCY IN OFFICE OF MAYOR.**

(a) Absence. When the Mayor is temporarily absent from the Municipality or temporarily unable for any cause to perform the Mayor’s duties, the ~~President of Council~~ **Director of Public Safety** shall act as the Mayor with the same powers and duties as the Mayor, except as set forth below. When the Mayor and the ~~President of Council~~ **Director of Public Safety** are both temporarily absent from the municipality or temporarily unable for any cause to perform the Mayor’s duties, then the ~~Council~~

~~President Pro Tem Law Director~~ shall act as the Mayor with the same powers and duties as the Mayor, except as set forth below.

(b) Vacancy. In the event of the Mayor's death, resignation, removal, disqualification, or in the event that the office of Mayor shall otherwise become vacant, the unexpired term shall be filled as follows:

- (1) The ~~President of Council Director of Public Safety~~ shall immediately become the acting Mayor, with the same powers and duties of the Mayor, except as set forth below, to serve as follows:
  - (A) If ~~twenty four (24) twelve (12)~~ months or more remain in the Mayor's term **from the date of the vacancy**, then the ~~Council President Director of Public Safety~~ shall serve as acting Mayor until a new Mayor is elected to serve the remainder of the Mayor's term at a special or general election to be held on a date set by City Council within ninety (90) days after the vacancy occurs. ~~During this time period after the vacancy occurs and before a new Mayor is elected at a special or general election, the President of Council shall also continue in office as a member of Council and as President of Council.~~
  - (B) If less than ~~twenty four (24) twelve (12)~~ months remain in the Mayor's term **from the date of the vacancy**, then the ~~President of Council Director of Public Safety~~ shall become Mayor to serve the remainder of the term if the ~~President of Council Director of Public Safety~~ accepts the office by filing a written acceptance with the Clerk of Council within fifteen (15) days after the vacancy occurs. If the ~~President of Council Director of Public Safety~~ accepts the office of Mayor in this circumstance, then ~~the President of Council's office as a Council member and as President of Council shall be vacant and filled in accordance with the provisions of this Charter, and (ii) the President of Council Director of Public Safety~~ shall become Mayor with all the powers and duties of the Mayor. If the ~~President of Council Director of Public Safety~~ does not accept the position of Mayor within the time period set forth herein, then the ~~President of Council Pro Tem Law Director~~ shall become Mayor to serve the remainder of the term if he or she accepts the office within twenty (20) days after the vacancy occurs in the same manner. ~~If the President of Council Pro Tem accepts the office of Mayor in this circumstance, then (i) the President of Council Pro Tem's office as a Council member and as President of Council Pro Tem shall be vacant and filled in accordance with the provisions of this Charter, and (ii) the President of Council Pro Tem shall become the Mayor with all the powers and duties of the Mayor. If neither the Director of Public Safety or Law Director accepts the position~~

of Mayor within the time period set forth herein, then the Finance Director shall become Mayor to serve the remainder of the term if he or she accepts the offer within twenty-five (25) days after the vacancy occurs in the same manner. If neither the ~~President of Council~~ Director of Public Safety, nor the ~~President of Council~~ ~~Pro Tem Law Director~~ nor the Finance Director accepts the office of Mayor within the time periods set forth herein, the City Council shall meet and elect one of its members to be Mayor for the remainder of the term. Such election shall occur within ~~twenty-five~~ ~~thirty~~ (25/30) days of the vacancy. No Council member shall be so elected without the Council member's consent. The Council position of the Council member so elected Mayor shall be deemed vacant and shall be filled in accordance with the provisions of this Charter. **During the period when the Director of Public Safety, or the Law Director, or the Director of Finance, as the case may be, shall serve as Mayor, that individual shall not be required to be a resident or Qualified Elector of the City of Strongsville.**

~~(c) Part Time Position. When the President of Council or the Council President Pro Tem is serving as the Acting Mayor pursuant to Sections (a) or (b)(1)(A) of this Section 7, neither shall be required to devote their entire time during business hours to the business of the municipality.  
(Amended 11-2-04.)~~

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 7 of Article II shall be and the same is hereby repealed and replaced by the new Section 7 of said Article II.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

#### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 7 of Article II of the City Charter be amended to provide that in the event a vacancy occurs in the office of Mayor, and twelve (12) months or more remain in the Mayor's term, that the vacancy shall be filled for the remainder of the term at a Special or General Election. Furthermore, shall Section 7 of Article II of the City Charter be amended to provide that in the event of the absence of the Mayor, or a vacancy occurs in the Office of Mayor and less than twelve (12) months remain in the Mayor's term that the vacancy and the order of succession in the Office of Mayor, shall be filled for the remainder of the term by the Director of Public Safety, or other department directors as specified?

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 096**  
**Page 4**

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

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

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2018 - 096  
Page 5

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-096 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 097

By: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED “THE COUNCIL” IN SECTION 8, TO PROVIDE FOR THE PROCEDURE TO BE FOLLOWED IN THE EVENT OF A VACANCY IN THE TERM OF OFFICE FOR A MEMBER OF COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article III, Section 8 of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide for the procedure to be followed in the event of a vacancy in the term of office for a member of Council:

Section 8 of Article III of the City Charter shall be amended to read as follows:

**ARTICLE III  
THE COUNCIL**

\* \* \*

**SECTION 8. VACANCIES.**

~~Vacancies in Council shall be filled for the unexpired term by an appointment made by a majority vote of all remaining members of Council.~~ **Vacancies in Council shall be filled for the unexpired term as follows:**

**(a) If twelve (12) months or more remain in the Council member’s term from the date of the vacancy, then the vacancy shall be filled for the unexpired term at a Special or General election by those eligible to vote for the position to be held on a date set by City Council within ninety (90) days after the vacancy**

occurs. Notwithstanding anything to the contrary in this Charter, during the interim period and until a new Council member is elected, for purposes of a quorum and requirements regarding the number of votes required, Council shall be regarded as consisting of the remaining number of Council members.

(b) If less than twelve (12) months remain in the Council member's term from the date of the vacancy, then Council shall fill the unexpired term by an appointment made by a majority vote of all remaining members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of official notification by Council of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period the Mayor shall make the appointment.

A Council ~~man~~ member appointed to office to fill an unexpired term by either the Council or the Mayor shall for the purposes of this Charter be deemed to be elected to Council.

~~(Amended 11-2-71.)~~

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 8 of Article III shall be and the same is hereby repealed and replaced by the new Section 8 of said Article III.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

**PROPOSED CHARTER AMENDMENT**

**A majority affirmative vote is necessary for passage.**

Shall Section 8 of Article III of the City Charter be amended to provide that in the event a vacancy occurs in a Council member's term of office, and twelve (12) months or more remain in that Council member's term, that the vacancy shall be filled for the unexpired term at a Special or General Election?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 097**  
**Page 3**

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-097 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. 2018 – 098

By: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED “THE COUNCIL” IN SECTION 10, TO PROVIDE FOR COUNCIL TO DETERMINE BY ORDINANCE THE STARTING TIME FOR REGULAR MEETINGS OF COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article III, Section 10 of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide that Council by ordinance may determine the starting time for the regular meetings of Council:

Section 10 of Article III of the City Charter shall be amended to read as follows:

**ARTICLE III  
THE COUNCIL**

\* \* \*

**SECTION 10. MEETINGS.**

(a) Regular Meetings. The Council shall meet the first and third Mondays of each calendar month at ~~eight o'clock (8:00) p.m. local time~~ **such time as may be prescribed by ordinance**, or if such day be a holiday, on the first workday following except during periods when Council has voted to be in recess. Prior to or during its first regular meeting in January following a regular Municipal election, the Council shall convene and organize.

(b) Special Meetings. Special meetings may be called by the Mayor or any three members of Council. There shall be given at least twenty-four hours notice in writing of such special meeting, served personally on each member of Council or at his **or her** usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be considered prior to the disposition of those for which such meeting was called.

(c) Compel Attendance. The attendance of two-thirds of the members elected to Council at any special meeting of the Council shall be considered as a waiver of notice required by the preceding subsection, and in such event, the meeting may proceed as a duly called special meeting.

(d) Emergency Meetings. Emergency meetings may be called by the Mayor or President of Council without twenty-four (24) hours notice in writing.  
~~(Amended 11-2-04)~~

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 10 of Article III shall be and the same is hereby repealed and replaced by the new Section 10 of said Article III.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 10 of Article III of the City Charter be amended to provide that Council by ordinance may determine the starting time for the regular meetings of Council?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD No. 2018-098 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. 2018 – 099**

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

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY ENTITLED “THE COUNCIL” IN SECTION 12, TO PROVIDE FOR COUNCIL POSTING IN NOT LESS THAN TWO LOCATIONS ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS, PROCLAMATIONS, NOTICES AND REPORTS REQUIRED BY LAW, AND DECLARING AN EMERGENCY.**

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article III, Section 12 of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide that Council shall post in not less than two (2) of the most public places in the City all ordinances, resolutions, statements, orders, proclamations, notices and reports required by law:

Section 12 of Article III of the City Charter shall be amended to read as follows:

**ARTICLE III  
THE COUNCIL**

\* \* \*

**SECTION 12. PROCEDURE.**

All legislative action shall be by ordinance or resolution except when otherwise required by the Constitution or the laws of the State of Ohio. The Council shall keep a journal of its proceedings which shall be a public record. The vote shall be taken by ayes and nays, which shall be entered upon the journal; and no ordinance or resolution shall be passed without the concurrence of a majority of the members elected to Council. The Council, through passage of an Ordinance, may establish a consent agenda. Every ordinance or resolution shall be read or read by title on three different days unless two-thirds (2/3) of the members elected to Council dispense with the rule. All ordinances, resolutions, statements, orders, proclamations, notices and reports

required by law, by this Charter or by ordinance to be posted, shall be posted in not less than ~~five (5)~~ **two (2)** of the most public places in the Municipality, as determined by Council, for a period of not less than fifteen (15) days prior to the taking effect thereof, subject to the exceptions set forth in Section 13 hereof, or in such other manner as Council may hereafter determine by ordinance, resolution or order.  
(~~Amended 11-2-04.~~)

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 12 of Article III shall be and the same is hereby repealed and replaced by the new Section 12 of Article III.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 12 of Article III of the City Charter be amended to provide that Council shall post in not less than two (2) of the most public places in the City all ordinances, resolutions, statements, orders, proclamations, notices and reports required by law?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 099**  
**Page 3**

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-099 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. 2018 – 100

By: Mayor Perciak and All Members of Council

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE V OF THE CHARTER OF THE CITY ENTITLED "FINANCE" IN SECTION 5(b), TO PROVIDE THAT COUNCIL BY A VOTE OF NOT LESS THAN SIX (6) OF ITS MEMBERS MAY AUTHORIZE CERTAIN EXPENDITURES, IN EMERGENCIES OR OTHER LIMITED CIRCUMSTANCES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article V, Section 5(b) of the City's Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide that Council by a vote of not less than six (6) of its members may authorize certain expenditures, in emergencies or other limited circumstances, without public bidding:

Section 5(b) of Article V of the City Charter shall be amended to read as follows:

**ARTICLE V  
FINANCE**

\* \* \*

**SECTION 5. PUBLIC BIDDING**

\* \* \*

(b) The Council, by a ~~unanimous~~ vote of not less than six (6) of its members, may authorize expenditures of funds of the City exceeding the limitations established ~~by the~~ in Article V, Section 5 of this Charter without public bidding and advertising for the acquisition of real estate; for the discharge of non-contractual claims against the City; for personal services; for the joint use

of facilities or exercise of powers with other political subdivisions; for the product or services of public utilities (including those municipally and publicly operated); in the case of a real and present emergency arising in connection with the operation and maintenance of a department, division, commission, bureau or board of the municipality, for work to be done or for the purchase of supplies or materials; or for expenditures without public bidding authorized by the General Laws of Ohio.

~~(Amended 11-4-80)~~

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then existing Section 5(b) of Article V shall be and the same is hereby repealed and replaced by the new Section 5(b) of said Article V.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

#### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 5(b) of Article V of the City Charter be amended to provide that Council by a vote of not less than six (6) of its members may authorize certain expenditures, in emergencies or other limited circumstances, without public bidding?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.



**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-100 Amended: \_\_\_\_\_  
1st Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2nd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3rd Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
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Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

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CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 101

By: Mayor Perciak and All Members of Council

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE VII OF THE CHARTER OF THE CITY ENTITLED “NOMINATIONS AND ELECTIONS” TO PROVIDE FOR THE ENACTMENT OF NEW SECTION 5 “QUALIFIED ELECTORS,” IN ORDER TO DEFINE SUCH TERM AS USED IN THE CITY’S CHARTER, AND DECLARING AN EMERGENCY.**

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article VII of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide for the definition of the term “qualified elector” as it is used throughout the City Charter:

Section 5 of Article VII of the City Charter shall be enacted to read as follows:

**ARTICLE VII  
NOMINATIONS AND ELECTIONS**

\* \* \*

**SECTION 5. QUALIFIED ELECTORS.**

**Every citizen of the United States who is of the age of eighteen (18) years or over, who possesses the qualifications herein required, shall be entitled to vote at a special, primary, or regular municipal election. No person shall be permitted to vote at any election unless that person has registered to vote, and has been a resident of the State of Ohio for thirty (30) days next preceding the election at which that person desires to vote.**

A qualified elector who has resided in the State the length of time required herein and who moves from one ward to another within the City of Strongsville shall have the right to vote in such ward provided the Board of Elections shall have corrected that individual's registration to that ward as required by law. No person residing in any City ward shall be entitled to vote at any election or shall sign any nominating, initiative, referendum or recall petition unless that person is duly registered as an elector in the manner provided by law. The term "qualified elector" as used throughout this Charter shall be construed to mean an elector who has complied with the foregoing requirements.

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then new Section 5 of Article VII shall be and the same is hereby enacted.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

#### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 5 of Article VII of the City Charter be enacted to provide for the definition of the term "qualified elector" as it is used throughout the City Charter?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 101**  
**Page 3**

Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-101 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. 2018 – 102

By: Mayor Perciak and All Members of Council

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION CERTAIN AMENDMENTS TO ARTICLE VII OF THE CHARTER OF THE CITY ENTITLED “NOMINATIONS AND ELECTIONS” TO PROVIDE FOR THE ENACTMENT OF NEW SECTION 6 “GENERAL QUALIFICATIONS OF ELECTED OFFICIALS,” AND DECLARING AN EMERGENCY.**

WHEREAS, in accordance with Article X of the City Charter, the Mayor has appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article VII of the City’s Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL MEMBERS THEREOF CONCURRING:

**Section 1.** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 2 and Article X of the Charter of the City of Strongsville, this Council hereby authorizes and directs the submission to the electors of the City of Strongsville, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide for the requirement that the Mayor and every Council member shall be a resident of the City and that a Ward Council member be a resident of the Ward for at least one (1) year prior to that individual’s election or appointment:

Section 6 of Article VII of the City Charter shall be enacted to read as follows:

**ARTICLE VII  
NOMINATIONS AND ELECTIONS**

\* \* \*

**SECTION 6. GENERAL QUALIFICATIONS OF ELECTED OFFICIALS.**

**The Mayor and every Councilmember shall be a resident of the City for at least one (1) year prior to that individual’s election or appointment, and during that individual’s term of office shall continue to be a resident of the City, and shall be a qualified elector thereof. In addition to the foregoing, no individual shall be eligible to hold a Ward Council position unless that individual shall have been a resident and qualified elector of such Ward for one (1) year immediately prior to**

**that individual's election or appointment and must remain a resident of said Ward during that individual's term of office.**

**Section 2.** That if the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then new Section 6 of Article VII shall be and the same is hereby enacted.

**Section 3.** That it is the desire of the Council that the ballots for said question shall be in substantially the following form:

### PROPOSED CHARTER AMENDMENT

**A majority affirmative vote is necessary for passage.**

Shall Section 6 of Article VII of the City Charter be enacted to provide for the requirement that the Mayor and every Council member shall be a resident of the City and that a Ward Council member be a resident of the Ward for at least one (1) year prior to that individual's election or appointment?

YES

NO

**Section 4.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no later than August 8, 2018.

**Section 5.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the regular election to be held on November 6, 2018 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6.** That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Strongsville, with the first publication to be made at least fifteen days prior to the election to be held on November 6, 2018, or to mail a copy of such proposed Charter amendment to each elector whose name appears in registration books of the last general or regular municipal election held in the City at least 30 days prior to the November 6, 2018 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article IX, Section 2 of the City Charter.

**Section 7.** That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directives of this Ordinance.

**CITY OF STRONGSVILLE, OHIO**  
**ORDINANCE NO. 2018 – 102**  
**Page 3**

**Section 8.** 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 9.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance become effective immediately and be certified to the election authorities in order for the question to appear on the ballot at an election to be held on November 6, 2018. 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.

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

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

ORD. No. 2018-102 Amended: \_\_\_\_\_

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

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

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

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

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