

City of Strongsville

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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

July 12, 2018

MEETING NOTICE

City Council has scheduled the following meetings for **Monday, July 16, 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 7:00 p.m. All committees listed will meet immediately following the previous committee:

7:00 P.M. **Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2018-103, 2018-105, 2018-113, 2018-114, 2018-115, and Resolution Nos. 2018-116 and 2018-117.

Finance Committee will meet to discuss Resolution Nos. 2018-108 and 2018-118.

Building and Utilities Committee will meet to discuss Ordinance Nos. 2018-119, 2018-120 and 2018-121.

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, 2018-102 and Resolution No. 2018-122.

A motion will be made to approve the Committee of the Whole meeting minutes of June 27, 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, JULY 16, 2018 AT 8:00 P.M.
Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - *Council Meeting – July 2, 2018*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
7. 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:
8. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:
 - MAYOR PERCIAK:
 - FINANCE DEPARTMENT:
 - LAW DEPARTMENT:

9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 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. Second reading 06-18-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*

- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- 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. *First reading 06-18-18. Second reading 07-02-18.*
- Ordinance No. 2018-103 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18. Favorable recommendation by the Planning Commission 07-12-18.*
- Ordinance No. 2018-105 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to the Planning Commission 07-02-18. Favorable recommendation by the Planning Commission 07-12-18.*

- Resolution No. 2018-108 by Mr. Carbone. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID PROPERTY MAINTENANCE NUISANCE ABATEMENTS FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY. *First reading 07-02-18.*
- Ordinance No. 2018-113 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-114 by Mayor Perciak and All Members of Council. AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PRIEM ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, CATCH BASINS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAY APRONS, STORM SEWERS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-115 by Mayor Perciak and All Members of Council. AN ORDINANCE TO ENACT SECTION 1046.246 OF THE CITY'S CODIFIED ORDINANCES IN ORDER TO ESTABLISH CHARGES FOR ANY CONNECTIONS DIRECTLY OR INDIRECTLY TO THE PRIEM ROAD SOUTH SANITARY SEWER EXTENSION PROJECT FOR THOSE LOTS AND LANDS FOR WHICH AN ADDITIONAL CONNECTION OR CONNECTIONS IS REQUIRED OR WHICH WERE NOT ASSESSED FOR SUCH PROJECT, AND DECLARING AN EMERGENCY.
- Resolution No. 2018-116 by Mayor Perciak and Mr. Schonhut. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR THE INSTALLATION OF A FIBER TELCO CABINET, HANDHOLD AND ASSOCIATED CONDUIT BEHIND AN EXISTING CABINET LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 11831 PEARL ROAD (PPN 396-03-005), IN THE CITY OF STRONGSVILLE.
- Resolution No. 2018-117 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE STRONGSVILLE TLCI IMPLEMENTATION PROJECT (CUY.-STRONGSVILLE-TLCI and ODOT PID NO. 106723), AND DECLARING AN EMERGENCY.
- Resolution No. 2018-118 by Mayor Perciak and Mr. Carbone. A RESOLUTION REQUESTING THE FISCAL OFFICER OF CUYAHOGA COUNTY TO ADVANCE CERTAIN FUNDS, BOTH GENERAL OPERATING AND SPECIAL ASSESSMENTS, TO THE CITY OF STRONGSVILLE, OHIO, AND DECLARING AN EMERGENCY.

- Ordinance No. 2018-119 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1402.01 OF CHAPTER 1402, OF THE STRONGSVILLE DWELLING CODE, OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE RELATING TO ADOPTION OF THE CURRENT RESIDENTIAL CODE OF OHIO, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-120 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1404.01 OF CHAPTER 1404 OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE RELATING TO ADOPTION OF THE CURRENT OHIO BUILDING CODE AND RELATED PROVISIONS, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-121 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1406.01 OF CHAPTER 1406 OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ADOPT THE CURRENT NATIONAL ELECTRIC CODE, AND DECLARING AN EMERGENCY.
- Resolution No. 2018-122 by All Members of Council. A RESOLUTION DECLARING THE MONTH OF AUGUST, 2018 AS COUNCIL RECESS MONTH, AND DECLARING AN EMERGENCY.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Permit: **STCK C1-C2**: To: BIAB Cleveland LLC. DBA: Bliss in a Bottle and 2nd FL Storage; 500 SouthPark Center T43, Strongsville, Ohio 44136 (Responses must be postmarked no later than 7/23/2018).
- Application for Permit: **NEW-D3**: To: Mille Gradi LLC. DBA: 1000 Degrees Neapolitan Pizzeria; 16734 Royalton Road, Strongsville, Ohio 44136 (Responses must be postmarked no later than 7/30/2018).

12. MISCELLANEOUS BUSINESS:

13. ADJOURNMENT:

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.

- (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.**
- ~~(8) 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, tele-communications 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.

~~(Ord. 2018-008. Passed 1-16-18.)~~

(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-Wireless~~**Small 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**, as well as to construct, whenever possible, excess available space on ~~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

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. 06-18-18 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. 06-18-18 Ref: COW
 2nd Rdg. 07-02-18 Ref: COW
 3rd Rdg. _____ Ref: _____

 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 (2530)** 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?

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. 06-18-18 Ref: LOW

2nd Rdg. 07-02-18 Ref: LOW

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

Printed on Recycled Paper

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.

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. 06-18-18 Ref: LOW
 2nd Rdg. 07-02-18 Ref: LOW
 3rd Rdg. _____ Ref: _____

 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. 06-18-18 Ref: LOW
 2nd Rdg. 07-02-18 Ref: LOW
 3rd Rdg. _____ Ref: _____

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.

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. 06-18-18 Ref: COW
 2nd Rdg. 07-02-18 Ref: COW
 3rd Rdg. _____ Ref: _____

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. 06-18-18 Ref: LOW
 2nd Rdg. 07-02-18 Ref: LOW
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

City of Strongsville, Ohio
 10000 Strongsville Blvd.
 Strongsville, Ohio 44136
 (440) 233-1000
 www.strongsville.com

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.

_____ 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. 2018-101 Amended: _____
 1st Rdg. 06-18-18 Ref: LOW
 2nd Rdg. 07-02-18 Ref: LOW
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 102

By: Mayor Perciak and All Members of Council

↑ 2018-102
Amend
by CRC

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. 06-13-18 Ref: Cow
 2nd Rdg. 07-02-18 Ref: Cow
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

City of Strongsville, Ohio
 10000 Strongsville Blvd.
 Strongsville, Ohio 44136
 Phone: (440) 233-1000
 Fax: (440) 233-1001
 Website: www.cityofstrongsville.com

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 103

By: Mayor Perciak and Mr. Schonhut

AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1252.16 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**CHAPTER 1252
Residential Districts**

* * *

1252.16 PROJECTIONS INTO YARDS.

A projection is that part or feature of a building which extends or projects outside of the main building walls. It is intended that certain features may project into required yards but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots. Building features may project into a front, side or rear yard of a dwelling as follows:

- (a) Architectural Features. A belt course, balcony, cornice, gutter or chimney may project into a front and side yard for a distance of two feet provided no part is less than three feet from any side lot line.
- (b) Entrance Features. ~~An-Ground level~~ open platform~~s~~, landings, ~~steps, or terraces or other feature not extending-exceeding 120 square feet in area may extend up to ten feet into the required front yard. Steps or other features not extending~~ above the first floor level of a building may extend up to six feet into a required front yard and three feet into a required side yard **provided that no part is less than three feet from any lot line.**
- (c) Enclosed Shelters. An enclosed entry, enclosed porch or enclosed deck may be constructed as part of the dwelling, but shall not project into any required yard area.
- (d) Unenclosed Shelters. An entrance hood or open but roofed porch may project up to six feet into a required front yard or required rear yard and three feet into a required side yard.
- (e) Unenclosed Patio or Deck. On a lot with a one-family dwelling or two-family dwelling, an unenclosed patio or deck may project up to fourteen feet into a required rear yard provided such deck or patio maintains the same required side yard setback as established for the main building, and is set back not less than five feet from any rear lot line, and does not encroach into any easement.

On a lot with a one-family cluster or a townhouse dwelling, an unenclosed patio or deck may project up to fourteen feet into a required rear yard provided such deck or patio is set back not less than ten feet from the rear lot line, and does not encroach into an easement, and thirty-five feet from any adjoining side or rear lot line of any single family dwelling lot and does not encroach into any easement; except that, if the Planning Commission has approved the location and arrangement of unenclosed patios or decks for the cluster or townhouse area in conjunction with the approval of the detailed site plan of such area, then such approval shall govern.

~~(Ord. 2015-031. Passed 4-6-15.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

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

First reading: July 2, 2018

Second reading: _____

Third reading: _____

Public Hearing: _____

Referred to Planning Commission

July 3, 2018
Favorable recommendation by

Approved: Planning Commission
July 12, 2018

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 103
Page 3

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

Attest: _____
Clerk of Council

ORD. No. 2018-103 Amended: _____
1st Rdg. 07-02-18 Ref: PLPZE
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Tiffany Mekeel, Assistant Clerk of Council

DATE: July 3, 2018

SUBJECT: Referral from Council: Ordinance Nos.: 2018-103, 2018-104 and 2018-105

Please be advised that at its regular meeting of July 2, 2018, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- **Ordinance No. 2018-103** by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- **Ordinance No. 2018-104** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- **Ordinance No. 2018-105** 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to Planning Commission 07-02-18.*

Copies of the Ordinances are attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 13, 2018

Please be advised that at its meeting of July 12, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-103

An Ordinance Amending Section 1252.16 of Title Six of Part Twelve- Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Projections into Yards and Declaring an Emergency.

ORDINANCE NO. 2018-105

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 Royalton Road and West 130th Street, in the City of Strongsville from LB (Local Business) Classification to MS (Motorist Service) Classification (Part of PPN 399-01-005).

At the same meeting the Planning Commission Tabled the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 105

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 ROYALTON ROAD AND WEST 130th STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005).

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

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at Royalton Road and West 130th Street, from LB (Local Business) classification to MS (Motorist Service) classification (PPN 399-01-005), which property is more fully described in Exhibit "A" and as depicted in Exhibit "B", attached hereto and incorporated herein as if fully rewritten.

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

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

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: July 2, 2018
Second reading: _____
Third reading: _____
Public Hearing: _____

Referred to Planning Commission

July 3 2018
Approved: Favorable Recommendation
by Planning Commission
July 12, 2018

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 105
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

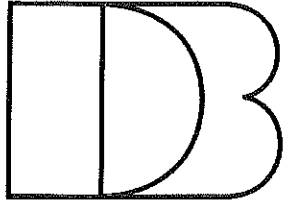
Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2018-105 Amended: _____
1st Rdg. 07-02-18 Ref: PC/PZE
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

P.P.N. 399-01-005
Royalton Road – West 130th
Strongsville
DGB 4829

June, 2018

LEGAL DESCRIPTION

Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio, and known as being part of Original Strongsville Township Lot No. 5, and bounded and described as follows:

Beginning in the centerline of West 130th Street, 80 feet wide, at its intersection with the center line of Edgerton Road, 60 feet wide, and from which point an iron pin found bears North 39 degrees 44 minutes 15 seconds West, 1.04 feet;

Thence South 0 degrees 36 minutes 46 seconds East along the centerline of West 130th Street, 178.11 feet to a point;

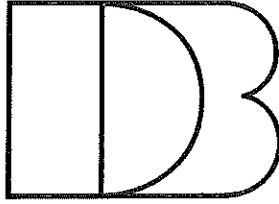
Thence South 88 degrees 43 minutes 50 seconds West, 40.00 feet to a point in the westerly line of West 130th Street at its intersection with the northerly line of a parcel of land conveyed to Margaret A. Nicholson, Trustee, by deed recorded as A.F.N. 201702080420 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears, North 88 degrees 43 minutes 50 seconds East, 0.18 feet; South 1 degree 16 minutes 10 seconds East, 0.15 feet, and the principal place of beginning of the parcel herein described;

Thence South 88 degrees 43 minutes 50 seconds West along the northerly line of said land conveyed to Margaret A. Nicholson, Trustee, 275.00 feet to its intersection with the easterly line of a parcel of land conveyed to Margaret A. Nicholson, by deed recorded as A.F.N. 200306170383 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears, South 88 degrees 43 minutes 50 seconds West, 0.40 feet;

Thence North 0 degrees 36 minutes 46 seconds West along the easterly line of said land conveyed to Margaret A. Nicholson, 270.27 feet to a point in the southerly line of Parcel 43 WD of land conveyed to The City of Strongsville by deed recorded as A.F.N. 200310071633 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears North 88 degrees 43 minutes 50 seconds East, 0.08 feet; North 1 degree 16 minutes 10 seconds West, 0.33 feet;

Thence North 88 degrees 43 minutes 50 seconds East along the southerly line of said Parcel 43 WD, 58.06 feet to an iron pin set in the curved southerly line of Royalton Road, variable width;





**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

P.P.N. 399-01-005
Royalton Road – West 130th
Strongsville
DGB 4829

Thence southeasterly along the curved southerly line of Royalton Road, being an arc of a curve deflecting to the right, 231.94 feet to an iron pin set at an angle point, therein, said arc having a radius of 481.67 feet, a central angle of 27 degrees 35 minutes 25 seconds, and a chord which bears South 69 degrees 12 minutes 42 seconds East, 229.71 feet;

Thence South 39 degrees 44 minutes 15 seconds East along the southerly line of Royalton Road, 4.84 feet to an iron pin set at its intersection with the westerly line of West 130th Street;

Thence South 0 degrees 36 minutes 46 seconds East along the westerly line of West 130th Street, 180.21 feet to the principal place of beginning and containing 66,960 square feet or 1.5372 acres of land, according to the survey by Donald G. Bohning & Associates, Inc. dated June, 2018.

The courses used in this description are referenced to the centerline of Royalton Road (North 88 degrees 43 minutes 50 seconds East) as shown on Cuyahoga County Plan set S.R. 82/Cuy-48, approved Oct 23, 2008 and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196

m:\adcadd\p\4829\documents\legals\ppn 399-01-005 june 2018.doc



DATE	REVISIONS	BY



ROYALTON RD

Site

VICINITY MAP

MAP OF SURVEY FOR PETROS FAMILY LIMITED PARTNERSHIP.
 BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT 5, NOW IN THE CITY OF STRONGSVILLE, CUYAHOGA COUNTY, OHIO

ADVANCED THE ORDER IN FIELD AND RETURNED TO THE SURVEYOR FOR RECORDATION IN CUYAHOGA COUNTY, OHIO. SET AS 2018-01-14, APPROVED OCT. 23, 2008 AND ARE USED TO INDICATE ANGLES ONLY.

Michael J. Ackerman
 LICENSED SURVEYOR NO. 8788

DONALD G. BOHNING & ASSOCIATES, INC.
 CIVIL ENGINEERING & SURVEYING
 10000 VALLEY PARKWAY, SUITE 100
 CLEVELAND, OHIO 44130

DATE: JUNE, 2018
 T.O. M.A.
 48295Y01 4829

SCALE	1" = 20'
DATE	JUNE, 2018
T.O.	M.A.
NO. OF SHEETS	1
TOTAL SHEETS	1

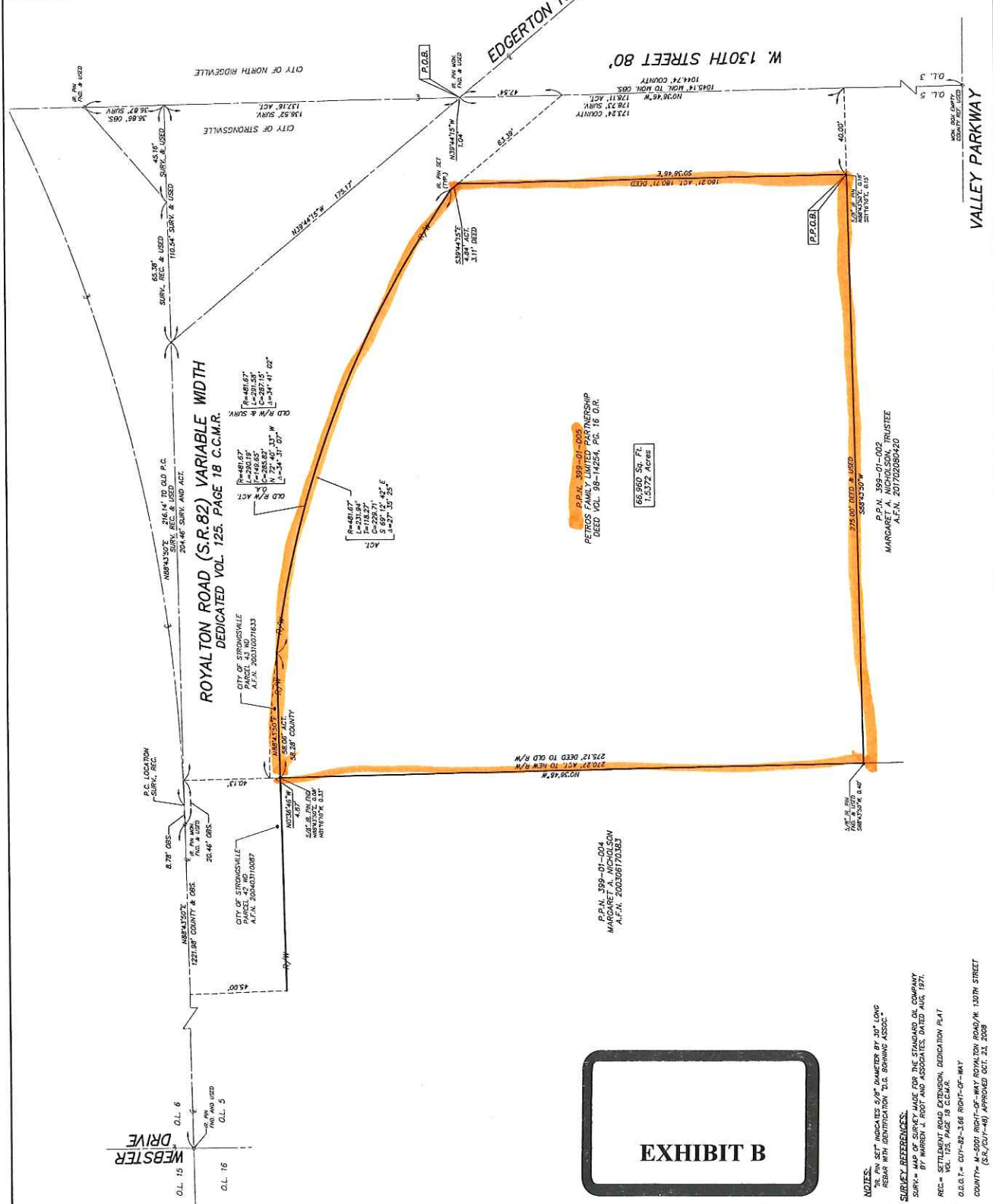


EXHIBIT B

NOTES.
 THE PIN SET INDICATES 5/8" DIAMETER BY 18" LONG REBAR WITH IDENTIFICATION TAGS BURNING DISC.

SURVEY REFERENCES:
 SURV. = MAP OF SURVEY MADE FOR THE STANDARD OIL COMPANY BY WALTER J. ROOT AND ASSOCIATES, DATED AUG. 1911.
 REC. = SETTLEMENT ROAD EXTENSION, DEDICATION PLAT VOL. 125, PAGE 19 C.C.M.R.
 O.L. 6 = CUT-42-1-08 RIGHT-OF-WAY
 COUNTY, M-5001 RIGHT-OF-WAY ROYALTON ROAD/W. 130TH STREET (SK-707-18) APPROVED OCT. 23, 2008

PROPERTY DESCRIPTION FORM

Ordinance Number: 2018-105

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: VACANT LAND @ SW CORNER OF W 130TH & ROYALTON RD

Permanent Parcel No.: 399-01-005

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) NORTH BY ROYALTON ROAD.
EAST BY W. 130TH

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

Acreage: 1.5372 AC.

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): SOUTHERN 40' HAS A RESTRICTION BY CLEVELAND METROPARKS, SEE ATTACHED LETTER, INTENDED SITE PLAN ADHERES TO THIS RESTRICTION.

Said deed restrictions (will) (have) expire(d) on: DOES NOT EXPIRE.

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

Owner(s)	Percent of Ownership:
1. <u>PETRUS FAMILY LIMITED PARTNERSHIP</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 14th day of June, 2018.

[Signature]
Notary Public

My commission expires _____
DARCY M. MacGREGOR
Notary Public - State of Ohio
Recorded in Cuyahoga County
My Commission Expires 6-27-2020

* 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.

PETITION FOR ZONING CHANGE

Ordinance Number: 2018-105

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 LB use to a class MS use.
LOCAL BUSINESS MOTOR SERVICE

Such change is necessary for the preservation and enjoyment of a substantial property right because: CURRENT ZONING IS OVERLY RESTRICTIVE BY PRECLUDING A USE THAT IN GREAT DEMAND IN THE NEIGHBORHOOD. REZONING TO MS WOULD ALLOW DEVELOPMENT PROVIDE AND ENHANCE CONVENIENCE FOR THE NEIGHBORHOOD.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: THE PROPOSED USE FITS HARMONIOUSLY WITH OTHER ADJACENT COMMERCIAL/MOTOR SERVICE USES, PROVIDES NEEDED CONVENIENCE BY ENHANCING NEIGHBORHOOD SERVICES, ADHERES TO THE METROPARK EASEMENT, AND WILL INCLUDE ANY NECESSARY SCREENING TO ADJACENT PROPERTIES

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

- PRELIMINARY SITE PLAN W/ BUILDING RENDERING & SAMPLE PHOTO
- _____
- _____

THE PROPOSED USE OF THE PROPERTY IS: RETAIL CONVENIENT STORE W/ ASSOCIATED GAS PUMPS

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

Name: GREGORY S. MODIC, AGENT

Address: 10474 BROADVIEW RD BROADVIEW HEIGHTS, OH 44147

Telephone Number: 440-525-1725

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 14th day of June, 2018.

DARCY M. MacGREGOR
Notary Public - State of Ohio
Recorded in Cuyahoga County
My Commission Expires 6-27-2020

[Signature]
Notary Public

My commission expires: _____

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

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: June 18, 2018

SUBJECT: Rezoning Application
Petros Family Limited Partnership; Owners
Gregory S. Modic, Agent
PPN: 399-01-005
Address: vacant land at the southwest corner of W. 130th and Royalton Rd.
From Local Business (LB) to Motorist Service (MS)

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

Thank you.

AKP
Attachments

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

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

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

From: Lori Daley, Assistant City Engineer

Date: June 19, 2018

Re: Rezoning Application
Petros Family Limited Partnership; Owners
Gregory S. Modic, Agent
PPN 399-01-005
From LB to MS

Neal,

The legal description included in the Clerk of Council's June 18, 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

TO: Planning Commission

FROM: Tiffany Mekeel, Assistant Clerk of Council

DATE: July 3, 2018

SUBJECT: Referral from Council: Ordinance Nos.: 2018-103, 2018-104 and 2018-105

Please be advised that at its regular meeting of July 2, 2018, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-103 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-104 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-105 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to Planning Commission 07-02-18.*

Copies of the Ordinances are attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 13, 2018

Please be advised that at its meeting of July 12, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-103

An Ordinance Amending Section 1252.16 of Title Six of Part Twelve- Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Projections into Yards and Declaring an Emergency.

ORDINANCE NO. 2018-105

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 Royalton Road and West 130th Street, in the City of Strongsville from LB (Local Business) Classification to MS (Motorist Service) Classification (Part of PPN 399-01-005).

At the same meeting the Planning Commission Tabled the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 108

By: Mr. Carbone

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

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

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

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate certification is necessary in order to comply with County deadlines and to preserve public funds. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
Clerk of Council

RES. ORD. No. 2018-108 Amended: _____
 1st Rdg. 07-02-18 Ref: Finance
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Deleted: _____

PPN	NAME	ADDRESS	TOTAL	PENALTY @ 10%	Total
391-15-066	Alan R Georgio	10947 Sand Creek	\$ 183.18	\$ 18.34	\$ 201.52
391-29-003	David James Scott	19162 Albion Road	\$ 1,081.52	\$ 108.16	\$ 1,189.68
		Total Book 391 2 Detail Records	\$ 1,264.70	\$ 126.50	\$ 1,391.20
392-31-029	Shawn E Miller	13194 Atlantic Road	\$ 150.00	\$ 15.00	\$ 165.00
		Total Book 392 1 Detail Record	\$ 150.00	\$ 15.00	\$ 165.00
393-20-047	Michael Picciano	20848 Lunn Road	\$ 150.00	\$ 15.00	\$ 165.00
393-32-012	Donald Volosyn	15997 Wedgewood Lane	\$ 3,700.00	\$ 370.00	\$ 4,070.00
		Total Book 393 2 Detail Records	\$ 3,850.00	\$ 385.00	\$ 4,235.00
394-20-026	Eco Realty c/o Zach Hoyt	19646 Prospect Road	\$ 208.80	\$ 20.88	\$ 229.68
		Total Book 394 1 Detail Records	\$ 208.80	\$ 20.88	\$ 229.68
395-27-006	Basma Hamid	00000 Albion Road	\$ 150.00	\$ 15.00	\$ 165.00
395-28-075	Diane Kurz	15377 Highland Park Dr	\$ 450.00	\$ 45.00	\$ 495.00
		Total Book 395 2 Detail Records	\$ 600.00	\$ 60.00	\$ 660.00
396-12-028	Health Span	17406 Royalton Drive	\$ 231.28	\$ 23.14	\$ 254.42
396-14-051	Great Escape Plaza 15, LLC	17200 Royalton Road	\$ 700.00	\$ 70.00	\$ 770.00
		Total Book 396 2 Detail Records	\$ 931.28	\$ 93.14	\$ 1,024.42
397-01-047	David Kushing	00000 Carol Drive	\$ 450.00	\$ 45.00	\$ 495.00
397-05-061	Eugene Budoj	15340 Sunset Drive	\$ 150.00	\$ 15.00	\$ 165.00
397-08-055	Equity Trust Company	16230 Windsor Drive	\$ 306.60	\$ 30.66	\$ 337.26
397-10-074	Mary Ann Zawislan	16889 Rabbit Run Drive	\$ 150.00	\$ 15.00	\$ 165.00
397-18-013	Diane M Nagy	18668 Admiralty Drive	\$ 150.00	\$ 15.00	\$ 165.00
397-19-005	Ann Domonkos	17893 Drake Road	\$ 5,356.58	\$ 535.68	\$ 5,892.26
397-28-055	Milton L Randall	19390 Ridgeline Ct	\$ 150.00	\$ 15.00	\$ 165.00
		Total Book 397 7 Detail Records	\$ 6,713.18	\$ 671.34	\$ 7,384.52
399-22-015	Richard & Gail Walker	17877 Hunt Road	\$ 150.00	\$ 15.00	\$ 165.00
		Total Book 399 1 Detail Record	\$ 150.00	\$ 15.00	\$ 165.00

Total All Books 18 Detail Records	\$ 13,867.96	\$ 1,386.86	\$ 15,254.82
--	---------------------	--------------------	---------------------

TO THE FISCAL OFFICER OF CUYAHOGA COUNTY:

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

City of Strongsville FOR Grass Cutting

MUNICIPALITY

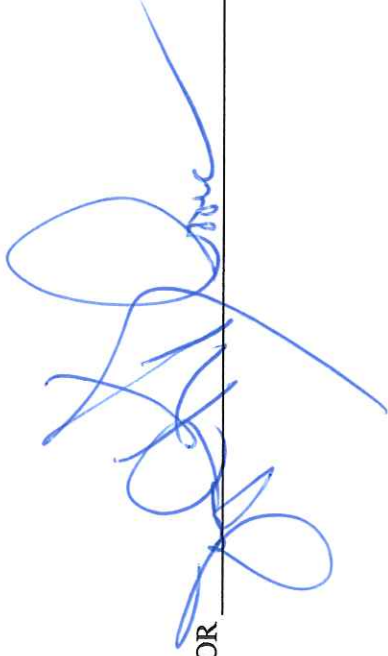
TYPE OF ASSESSMENT

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

COLLECTED FOR THE TAX YEAR(S) 2018

ORD / RES NO: 2018-xxx

SIGNATURE OF FINANCE DIRECTOR _____ DATE _____



FOR FISCAL OFFICE USE ONLY:

DATE ENTERED _____ DATE SENT TO IT _____ DATE RETURNED FROM IT _____ DATE IMPORTED TO MVP _____ DATE VALIDATED _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 113

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1252.20 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**CHAPTER 1252
Residential Districts**

* * *

1252.20 LOTS OF RECORD OF INSUFFICIENT AREA.

A lot of record which does not comply with the area or width of lot regulations of the district in which it is located on the effective date of this Zoning Code or any amendment thereto which made it nonconforming, may be used as follows:

- (a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards and rear yard regulations are complied with.
- (b) If vacant, the lot may be used provided that:
 - (1) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Zoning Code or any amendment thereto which makes it nonconforming;
 - (2) Not owning adjoining land, other vacant land cannot be equitably acquired adjoining the lot; and
 - (3) All other regulations of this Zoning Code, except the lot area and lot width regulations, shall be complied with. Lots of less width will be allowed only if such lots do not exceed ten percent less than the lot width required in the district in which such lot is located. ~~;~~

~~(4) It was platted as part of a previously approved Single Family Detached and Cluster Development and all of the lot area, widths, and setbacks associated with said prior plat approval are complied with.~~

~~(Ord. 2014-172. Passed 12-1-14.)~~

* * *

Section 2. That new Section 1253.14 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby enacted to read in its entirety as follows:

CHAPTER 1253
Single-Family Detached and Cluster Development
(R1-75 and R1-100 Districts)

* * *

1253.14 CONFORMING STATUS.

- (a) Single-Family lots platted as part of a Single-Family Detached and Cluster Development shall be considered legal conforming lots even though they do not conform to the standard provisions of the R1-75 or R1-100 Districts provided that said lots conform to the lot areas, widths, and setbacks as set forth on the approved and recorded plat for the Development;
- (b) Single-Family lots platted as part of a previously approved Single-Family Detached and Cluster Development on a plat recorded prior to the effective date of this provision shall be considered legal conforming lots provided that the lot areas, widths, and setbacks of said lots conform to the approved and recorded plat for that Single-Family Detached and Cluster Development and that a rear yard setback of at least thirty (30) feet is maintained, except as modified by Codified Ordinance Sections 1252.15, 1252.16 and 1252.17.

Section 3. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and further to assure proper and orderly development of all lots and land within the City of Strongsville. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: _____

Referred to Planning Commission

Second reading: _____

Third reading: _____

Approved: _____

Public Hearing: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 113
Page 3

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. 2018-113 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 114

BY: Mayor Perciak and All Members of Council

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PRIEM ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, CATCH BASINS AND MANHOLES, INSTALLING SANITARY SEWER SERVICE CONNECTIONS, AND REPLACING, WHERE NECESSARY, PAVEMENT, DRIVEWAY APRONS, STORM SEWERS AND CULVERTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the improvement described in Section 1 has been completed and the final cost of that improvement has been determined;

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

Section 1. Levy of Special Assessments. The special assessments for the cost and expense of improving in the City Priem Road from Beech Creek Trail south approximately 1,000 feet by constructing sanitary sewers, catch basins and manholes, installing sanitary sewer service connections, and replacing, where necessary, pavement, driveway aprons, storm sewers and culverts, all together with the necessary appurtenances thereto, pursuant to Resolution No. 2017-023, adopted on February 21, 2017, amounting in total to \$116,481.00, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 2017-023 in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. Determination of Proportionality of Special Assessments. This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed.

Section 3. Installments; Interest Rate. The special assessment against each lot or parcel of land shall be payable in whole or in part by cash or check within 30 days after the passage of this Ordinance, or at the option of the owner over a period of 20 years in 40 semiannual installments with interest at the rate of 3.50% per year, which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne by securities issued in anticipation of the collection of the special assessments if those securities had been issued by the City. All payments by cash or check shall be made to the Director of Finance of the City. All special assessments remaining unpaid at the expiration of those 30 days shall be certified by the Clerk of Council to the County Fiscal Officer as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. Publication of Notice. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in the City and shall keep on file in the office of the Clerk of Council the special assessments.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 115

BY: Mayor Perciak and All Members of Council

AN ORDINANCE TO ENACT SECTION 1046.246 OF THE CITY'S CODIFIED ORDINANCES IN ORDER TO ESTABLISH CHARGES FOR ANY CONNECTIONS DIRECTLY OR INDIRECTLY TO THE PRIEM ROAD SOUTH SANITARY SEWER EXTENSION PROJECT FOR THOSE LOTS AND LANDS FOR WHICH AN ADDITIONAL CONNECTION OR CONNECTIONS IS REQUIRED OR WHICH WERE NOT ASSESSED FOR SUCH PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Council has heretofore established certain regulations and charges for connections to the City's sanitary sewerage system as set forth in Chapter 1046 of the City's Codified Ordinances; and

WHEREAS, on February 21, 2017, this Council adopted Resolution No. 2017-023 (the Resolution of Necessity) declaring the necessity of constructing the improvement identified in Section 1 of the Resolution of Necessity (such improvement, together with any extensions and improvements thereto being hereinafter referred to as the Project) and determined that a portion of the costs of the Project would be financed from funds of the City, and has also determined that such funds shall be repaid and recouped, in part, by charges to be paid by the owners of lots and lands, being hereafter connected directly or indirectly to the Project which either (i) because of a split, a subdivision, or construction of additional improvements thereon, an additional connection or connections is required (beyond the single sanitary sewer service connection allowed for each lot specially assessed for the Project) or (ii) have not been specially assessed for the Project as identified in Section 4 of the Resolution of Necessity; and

WHEREAS, as an essential part of the program for the construction of the Project and to provide for the repayment and recoupment of a portion of such funds to be expended therefor, this Council has determined that it is necessary to include in Chapter 1046 of the City's Codified Ordinances additional connection charges for the aforementioned lots and lands, with such connection charges to be determined, as set forth in this Ordinance, so as to distribute as equitably as possible among the users of the Project the cost of providing the Project, all as determined by the City Engineer; and

WHEREAS, the additional connection charges to be established herein, in the judgment of this Council, are reasonable and proper, having due regard to all relevant circumstances and conditions;

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

Section 1. Amendment to Chapter 1046 of the City's Codified Ordinances. Section 1046.246 of the City's Codified Ordinances shall be enacted to read as follows:

“1046.246. CONNECTION CHARGES FOR PRIEM ROAD SOUTH SANITARY SEWER PROJECT IN ADDITION TO THOSE SET FORTH IN SECTION 1046.24.

(a) No person, corporation, public agency, partnership or association whatsoever shall connect, or cause to be connected, any building or other structure either directly or indirectly to those sanitary sewer improvements identified in Section 1 of Resolution No. 2017-023, adopted by the Council of the City on February 21, 2017, and commonly known as the Priem Road South Sanitary Sewer Extension Project (the “Project”) without first paying the charges established in Section 1046.24 and any applicable additional charges determined in accordance with the provisions of this Section.

(b) Where a connection is to be made to the Project, either directly or indirectly, and if the lots or lands to be served directly or indirectly by the Project, either (i) because of a split, a subdivision, or construction of additional improvements thereon, an additional connection or connections is required (beyond the single sanitary sewer service connection allowed for each lot specially assessed for costs of the Project), or (ii) have not been specially assessed for costs of the Project, then the potential user thereof shall pay, prior to making such connection, in addition to the charges established in Section 1046.24 and any other applicable section, a one-time, up-front connection charge equal to \$10,223.10 per Benefit Unit. For purposes hereof a single Benefit Unit shall be equal to an estimated sewage flow of 400 gallons per day and the number of Benefit Units to be used in calculating the additional connection charge hereunder shall be determined by the City Engineer based on the Suggested Sewage Flow Guide attached as Exhibit A to this Chapter passed by Council or, if such Suggested Sewage Flow Guide in the sole judgment of the City Engineer does not cover the particular situation, then the City Engineer shall calculate the number of Benefit Units based on customary engineering principles and practices with respect to estimated sewage flows from particular uses.

(c) The charge per Benefit Unit set forth in this section shall be increased by an amount equal to 3.50% thereof on January 1, 2019, and on the first day of January each year thereafter, in order to offset interest charges on any debt incurred to pay, and interest earnings foregone on any funds utilized by the City to pay, a portion of the cost of the Project.

(d) All moneys collected by the City as charges pursuant to the provisions of this Section shall be collected at the same time and in the same manner as charges due under Section 1046.24 of the Codified Ordinances and shall be deposited into the Sanitary Sewer Fund of the City.

(e) The imposition of charges provided for in this section shall not preclude the subsequent levy of special assessments against benefited properties to provide funds for the construction, replacement, rehabilitation or other improvement of sanitary sewers required to provide sanitary sewer service to such properties, and the charges provided for in this section are in addition to any other permits and charges required by law.

(f) In the event that any lot or land or building or other structure thereon is connected directly or indirectly to the Project in violation of any of the provisions of this section, and the owner, agent, lessee, tenant or occupant of such lot or land fails or refuses to disconnect the same upon being directed to do so by the City Engineer, the City Engineer is hereby authorized to cause such lot or land to be disconnected from the Project, and the violator shall be liable to the City for the cost of making such disconnection.”

Section 2. Certification and Delivery of Ordinance. The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the County Fiscal Officer within 20 days after its passage.

Section 3. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 5. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective to provide for the additional connection charges in order to repay moneys advanced by the City for the Project and thereby preserve the finances and credit of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

 President of Council

Approved: _____
 Mayor

Date Passed: _____, 2018

Date Approved: _____, 2018

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

Attest: _____
 Clerk of Council

ORD. No. 2018-115 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 - 116

By: Mayor Perciak and Mr. Schonhut

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR THE INSTALLATION OF A FIBER TELCO CABINET, HANDHOLD AND ASSOCIATED CONDUIT BEHIND AN EXISTING CABINET LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 11831 PEARL ROAD (PPN 396-03-005), IN THE CITY OF STRONGSVILLE.

WHEREAS, AT&T, through its agent, has submitted a site plan to the Planning Commission for approval of the placement of a fiber Telco cabinet, handhold and associated conduit behind the existing cabinet located within the public right-of-way at 11831 Pearl Road (PPN 396-03-005); and

WHEREAS, the Commission approved said site plan at its meeting of June 28, 2018.

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

Section 1. That this Council hereby confirms the approval of the City's Planning Commission of the site plan submitted by AT&T, through its agent, of the placement of a fiber Telco cabinet, handhold and associated conduit behind the existing cabinet located within the public right-of-way at 11831 Pearl Road (PPN 396-03-005).

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council
Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
Clerk of Council

RES
ORD. No. 2018-116 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: June 29, 2018

Please be advised that at its meeting of June 28, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

AT & T / Gary Saylor, Agent

Site plan approval for the placement of a fiber Telco cabinet, handhold and associated conduit behind the existing cabinet located in the right-of-way for property located at 11831 Pearl Road, PPN 396-03-005 zoned RMF-1.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 117

By: Mayor Perciak and All Members of Council

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE STRONGSVILLE TLCI IMPLEMENTATION PROJECT (CUY.-STRONGSVILLE-TLCI and ODOT PID NO. 106723), AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously adopted Ordinance No. 2017-182 authorizing an LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the City's TLCI ("Transportation for Livable Communities Initiative") Implementation Project (Cuy.-Strongsville TLCI and ODOT PID No. 106723) (the "Project"); and

WHEREAS, further, by and through Ordinance No. 2018-084, Council authorized the Mayor to enter into an Agreement for professional construction management services in connection with said Project; and

WHEREAS, the City has now received authorization from the Ohio Department of Transportation to advertise and proceed with the Project.

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

Section 1. That the Mayor be and is hereby authorized to advertise for bids for the City's TLCI Implementation Project (Cuy.-Strongsville-TLCI and ODOT PID No. 106723), in accordance with plans and specifications on file in the office of the City Engineer, which are, in all respects, hereby approved; but specifically subject to adjustment and incorporation into the bid package of the appropriate dates for submittal of the bids, pre-bid conference, and dates to advertise, as well as compliance with any other applicable legal requirements or conditions.

Section 2. That the funds necessary for this Resolution have been appropriated and shall be paid from the General Capital Improvement Fund and such other Federal, State and local funds made available for the Project.

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 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 reasons that it is immediately necessary in order for the Project to commence in a timely manner, to implement the proposed intersection improvements, to promote highway safety and flow of traffic within the City, promote economic development, to meet any obligations imposed for any State and Federal funding, and to

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2018 - 117
Page 2

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

_____ 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

RES
 ORD. No. 2018-117 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 118

By: Mayor Perciak and Mr. Carbone

A RESOLUTION REQUESTING THE FISCAL OFFICER OF CUYAHOGA COUNTY TO ADVANCE CERTAIN FUNDS, BOTH GENERAL OPERATING AND SPECIAL ASSESSMENTS, TO THE CITY OF STRONGSVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, from time to time during the fiscal year 2019, before and subsequent to tax settlement dates, the City of Strongsville will require certain funds for the continuity of necessary services, where such funds are drawn from both general operating funds and special assessment funds; and

WHEREAS this Council respectfully requests the Fiscal Officer of this County to advance both general operating funds and various special assessment funds when requested by the Director of Finance of this City and deduct such advances from funds due to the City, but not then distributed.

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

Section 1. That the Fiscal Officer of this County is respectfully requested to advance funds to the City of Strongsville from the proceeds of the 2019 tax year collection including, without limitation, revenues from both the general operating funds and special assessment funds, upon request of the Director of Finance of this City, and that the amount of such advance or advances be charged to the City of Strongsville and deducted from funds due this City but not distributed.

Section 2. That the Clerk of the Council be and is hereby directed to send a certified copy of this Resolution to the Fiscal Officer of Cuyahoga County.

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

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City; and for the further reason that it is necessary to obtain in advance general operating and special assessment funds for the orderly payment of certain obligations of the City. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2018 - 118
Page 2

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. 2018-118 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 119

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTION 1402.01 OF CHAPTER 1402, OF THE STRONGSVILLE DWELLING CODE, OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE RELATING TO ADOPTION OF THE CURRENT RESIDENTIAL CODE OF OHIO, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1402.01 of Chapter 1402.01 of Title Two of Part Fourteen of the Codified Ordinances of the City of Strongsville be and is hereby amended in order that said Section shall read in its entirety as follows:

**CHAPTER 1402
Strongsville Dwelling Code**

* * *

1402.01 ADOPTION BY REFERENCE OF RESIDENTIAL CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted ~~sections 4101:8-1 to 4101:8-43~~ **sections 4101:8-1 to 4101:8-25, 4101:8-29, 4101:8-34, and 4101:8-44** of the Ohio Administrative Code designated as the "Residential Code of Ohio for One-, Two-, and Three-Family Dwellings" for which the designation "RCO" may be substituted. ~~The 2013 edition of the "Residential Code for One-, Two- and Three-Family Dwellings" with errata and editorial changes provided to the publishers as of the adoption date of this Section is incorporated fully as if set out at length herein but, as altered with additions, substitutions and deletions indicated in these Sections below.~~ References in these Sections to "this code", to the "residential code", or to the "residential code of Ohio" in other sections of the Ohio Administrative Code shall mean the "Residential Code of Ohio for One-, Two-, and Three-Family Dwellings".

(b) The provisions of the "Residential Code of Ohio for One-, Two-, and Three-Family Dwellings" shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one-, two-, or three-family dwelling, any appurtenances connected or attached to such buildings or structures, or any accessory structures. No building or its equipment or accessories, to which the rules of the Ohio Board of Building Standards apply shall be erected, constructed, or installed, except in conformity with the rules of such Board.

This Code also applies to such other residential occupancies as referenced and to the extent indicated in Section 310 of the Ohio Building Code ("OBC"), but with the following exceptions:

- (1) Manufactured homes
- (2) Multiple single-family dwelling structures more than three stories in height
- (3) The structural requirements of the OBC or Section 116.2 of the Residential Code of Ohio shall apply to residential structures comprised of detached one-, two and three-family dwellings which are more than three stories in height.
- (4) Residential buildings with attached occupancies that are within the scope of the OBC shall comply with the requirements of the OBC.

(c) All amendments to such Codes, as from time to time may be adopted by the Ohio Board of Building Standards and Department of Commerce, shall be effective in the City of Strongsville at such times as such amendments may become effective in the State of Ohio.

~~(Ord. 2013-160. Passed 7-15-13.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the most current Residential Code for One-, Two-, and Three-Family Dwellings and to safeguard the public safety, health, and general welfare attributed to the construction of residential dwellings in 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: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 119
Page 3

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

Attest: _____
Clerk of Council

ORD. No. 2018-119 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 120

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTION 1404.01 OF CHAPTER 1404 OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE RELATING TO ADOPTION OF THE CURRENT OHIO BUILDING CODE AND RELATED PROVISIONS, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1404.01 of Chapter 1404 of Title Two of Part Fourteen 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 1404
Ohio Building Code**

* * *

1404.01 ADOPTION BY REFERENCE.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality the Ohio Building Code (OBC), as formulated and adopted by the Ohio Board of Building Standards, Department of Commerce, as published in Division 4101:2 of the Ohio Administrative Code (OAC).

(b) Chapters 4101:1-1 to 4101:1-35 of the Ohio Administrative Code shall be designated as the "Ohio Building Code" for which the designation "OBC" may be substituted. ~~The "International Building Code 2011, first printing, Chapters 2 to 35," as published by the "International Code Council, Inc." is used as the basis of such document and is incorporated fully except as modified herein.~~ References in this Chapter to "this code" or to the "building code" in other sections of the Ohio Administrative Code shall mean the "Ohio Building Code" ("OBC").

(c) Chapters 4101:2-1 to 4101:2-15 of the Ohio Administrative Code shall be designated as the "Ohio Mechanical Code", for which the designation "OMC" may be substituted. ~~The "International Mechanical Code 2009, first printing, Chapters 2 to 15," as published by the "International Code Council, Inc." is used as the basis of this document and is incorporated fully.~~ The provisions of this code shall apply to the design, installation, maintenance, alterations, repairs, relocation, replacement, addition to, use and inspection of mechanical systems within buildings. This code shall also apply to those other systems, system components, equipment and appliances specifically addressed herein.

(d) Chapters 4101:3-1 to 4101:3-13 of the Ohio Administrative Code shall be designated as the "Ohio Plumbing Code", for which the designation "OPC" may be substituted. ~~The "International Mechanical Code 2009, first printing, Chapters 2 to 13," as published by the "International Code Council, Inc." is used as the basis of this document and is incorporated fully.~~ The provisions of this code shall apply to the design, installation, maintenance, alterations, repairs, relocation, replacement, addition to, use and inspections of plumbing systems within buildings. This code shall also apply to those other systems, system components, equipment and appliances specifically addressed herein.

(e) Chapters 4101:5-1 to 4101:5-3 of the Ohio Administrative Code, designated as the "Ohio Elevator Code", shall apply to the design, construction, repair, alteration and maintenance of elevators and other lifting devices as listed and defined therein.

(f) Chapters ~~1301:7-1 to~~ 1301:7-7 of the Ohio Administrative Code, designated as the "Ohio Fire Code" shall apply to the preventive measures which provide for fire-safe conduct and operations in buildings and includes the maintenance of fire-detection, fire alarm, and fire extinguishing equipment and systems, exit facilities, opening protective, safety devices, good housekeeping practices and fire drills.

(g) Chapters 4101:4-1 to 4101:4-10 of the Ohio Administrative Code, designated as the "Ohio Boiler and Pressure Vessel Rules" shall apply to the design, construction, repair, alteration and maintenance of boilers and unfired pressure vessels as listed and defined therein.

(h) All amendments to such Codes, as from time to time may be adopted by the Ohio Board of Building Standards, Department of Commerce, shall be effective in the Municipality at such times as such amendments may be effective in the State of Ohio.

~~(Ord. 2013-161. Passed 7-15-13.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the most current version of the Ohio Building Code and related provisions as issued or promulgated by the State of Ohio in order to provide continuity in the erection, construction, repair, alteration and maintenance of buildings in the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 120
Page 3

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. 2018-120 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 121

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTION 1406.01 OF CHAPTER 1406 OF TITLE TWO OF PART FOURTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ADOPT THE CURRENT NATIONAL ELECTRIC CODE, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1406.01 of Chapter 1406 of Title Two of Part Fourteen 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 1406
National Electric Code**

* * *

1406.01 ADOPTION BY REFERENCE.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted ~~the 2014 edition of the National Electric Code, incorporated herein by reference, by the Municipality, the National Electric Code (NEC), as formulated and adopted by the Ohio Board of Building Standards, Department of Commerce, as published in Division 4101:2 of the Ohio Administrative Code (OAC),~~ in order that all electrical requirements, materials and installations in dwelling units and their appurtenant structures governed by the Residential Code of Ohio for One-, Two- and Three-Family Dwellings, and in order that all electrical requirements, materials and installations in uses and occupancies governed by the Ohio Building Code, shall be in accordance with the requirements of such Code, designated NFPA 70, as promulgated by the National Fire Protection Association, save and except such portions as may be hereinafter amended or deleted.

(b) All amendments to such Codes, as from time to time may be adopted by the Ohio Board of Building Standards, Department of Commerce, shall be effective in the City of Strongsville at such times as such amendments may become effective in the State of Ohio.

~~(Ord. 2011-196. Passed 12-19-11.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 121
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 immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the current National Electric Code in order to provide continuity in electrical requirements for the erection, construction, repair, alteration and maintenance of buildings in the City of Strongsville. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

ORD. No. 2018-121 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 – 122

By: All Members of Council

**A RESOLUTION DECLARING THE MONTH OF AUGUST,
2018 AS COUNCIL RECESS MONTH, AND DECLARING
AN EMERGENCY.**

WHEREAS, Article III, Section 10(a) of the City Charter authorizes City Council by vote to provide for recess; and

WHEREAS, the Council of the City of Strongsville, Ohio deems it to be in the best interest of the City to designate the month of August as the month of recess for the year 2018; and

WHEREAS, this Council accordingly will suspend regular Council meetings during the month of August, 2018.

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 designates and declares a recess from regular Council meetings during the month of August, 2018.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to timely provide for Council's yearly recess. 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
ORDINANCE NO. 2018 – 122
Page 2

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

Attest: _____
Clerk of Council

RES
ORD. No. 2018-122 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____