

# City of Strongsville

16099 Foltz Parkway  
Strongsville, Ohio 44149-5598  
Phone: 440-580-3110  
[www.strongsville.org](http://www.strongsville.org)

June 29, 2023

## City Council

James A. Kaminski  
Ward 1

Annmarie P. Roff  
Ward 2

Thomas M. Clark  
Ward 3

Gordon C. Short  
Ward 4

Joseph C. DeMio  
At-Large

James E. Carbone  
At-Large

Kelly A. Kosek  
At-Large

Aimee Pientka, MMC  
Clerk of Council

## MEETING NOTICE

City Council has scheduled the following meetings for **Monday, July 3, 2023**, to be held in the Caucus Room and the Council Chamber at the ***Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road***:

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

**7:30 P.M. Planning, Zoning & Engineering Committee** will meet to discuss Ordinance Nos. 2023-099 and 2023-100.

**Public Safety & Health Committee** will meet to discuss Ordinance Nos. 2023-101 and 2023-102.

**Economic Development Committee** will meet to discuss Ordinance No. 2023-103.

**Committee of the Whole** will meet to discuss Ordinance Nos. 2023-094, 2023-095, 2023-096, 2023-097, 2023-098, 2023-104 and Resolution No. 2023-105.

**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 3, 2023 AT 8:00 P.M.**

Mike Kalinich Sr. City Council Chamber  
18688 Royalton Road, Strongsville, Ohio

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**AGENDA**

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
  - *Regular Council Meeting – June 20, 2023*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
  - Mayor's appointment and Council confirmation of Lt. Thomas J. O'Deens as Chief of Police, due to retirement, effective September 1, 2023 (Oath of Office to follow at a later date).
7. REPORTS OF COUNCIL COMMITTEE:
  - SCHOOL BOARD – Clark
  - BUILDING & UTILITIES – Clark
  - SOUTHWEST GENERAL HEALTH SYSTEM – Short
  - ECONOMIC DEVELOPMENT – Short
  - PUBLIC SERVICE AND CONSERVATION – DeMio
  - FINANCE – Kosek
  - PLANNING, ZONING AND ENGINEERING – Kaminski
  - PUBLIC SAFETY AND HEALTH – Kaminski
  - RECREATION AND COMMUNITY SERVICES – Roff
  - COMMUNICATIONS AND TECHNOLOGY – Carbone
  - COMMITTEE-OF-THE-WHOLE – Carbone
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. 2023-094 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 ON THE WEBSITE OF THE CITY, AND IN PUBLIC PLACES DETERMINED BY COUNCIL, ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS, PROCLAMATIONS, NOTICES AND REPORTS REQUIRED BY LAW, AND DECLARING AN EMERGENCY. *First reading 06-20-23.*
- Ordinance No. 2023-095 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 IV OF THE CHARTER OF THE CITY ENTITLED "ADMINISTRATIVE OFFICES" IN SECTION 6(c), TO PROVIDE THAT THE DECISION OF THE BOARD OF ZONING APPEALS GRANTING A VARIANCE IS FINAL WITHOUT REQUIRING A TWENTY (20) DAY DELAY FOR REVIEW BY CITY COUNCIL, AND DECLARING AN EMERGENCY. *First reading 06-20-23.*
- Ordinance No. 2023-096 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 AN AMENDMENT TO ARTICLE IV OF THE CHARTER OF THE CITY ENTITLED "ADMINISTRATIVE OFFICES" IN SECTION 7(a), TO PROVIDE FOR FIVE (5) MEMBERS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading 06-20-23.*
- Ordinance No. 2023-097 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 V OF THE CHARTER OF THE CITY ENTITLED "FINANCE" IN SECTION 5(b), TO PROVIDE THAT COUNCIL MAY AUTHORIZE CERTAIN EXPENDITURES, IN EMERGENCIES OR OTHER LIMITED CIRCUMSTANCES, WITHOUT PUBLIC BIDDING, BY A VOTE OF NOT LESS THAN FIVE (5) OF ITS MEMBERS, AND DECLARING AN EMERGENCY. *First reading 06-20-23.*
- Ordinance No. 2023-098 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 AN AMENDMENT TO ARTICLE X OF THE CHARTER OF THE CITY ENTITLED "CHARTER REVIEW COMMITTEE" TO PROVIDE THAT COUNCIL SHALL SUBMIT TO THE ELECTORS ANY PROPOSED ALTERATIONS, REVISIONS AND AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE, AND DECLARING AN EMERGENCY. *First reading 06-20-23.*

- Ordinance No. 2023-099 by Mayor Perciak and All Members of Council. 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 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-100 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR FINANCIAL ASSISTANCE THROUGH THE UNITED STATES 2022 CONSOLIDATED APPROPRIATIONS ACT, COMMUNITY GRANT FY 22, IN CONNECTION WITH THE CITY OF STRONGSVILLE PROSPECT ROAD STORM SEWER PROJECT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-101 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 250.01 OF TITLE SIX OF PART TWO-ADMINISTRATION CODE, CONCERNING VACANCIES IN THE POSITION OF PATROL OFFICER IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-102 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 252.01 OF TITLE SIX OF PART TWO-ADMINISTRATION CODE, CONCERNING VACANCIES IN THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-103 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING A JOB/PAYROLL CREATION INCENTIVE GRANT FOR THE MILLCRAFT PAPER COMPANY, AND DECLARING AN EMERGENCY.
- Ordinance No. 2023-104 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 AN AMENDMENT TO ARTICLE IV OF THE CHARTER OF THE CITY ENTITLED "ADMINISTRATIVE OFFICES" IN SECTIONS 5(a) AND 5(b), TO AMEND THE PROVISION FOR MEMBERS OF THE PLANNING COMMISSION OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Resolution No. 2023-105 by Mayor Perciak and All Members of Council. A RESOLUTION DECLARING THE MONTH OF AUGUST, 2023 AS COUNCIL RECESS MONTH, AND DECLARING AN EMERGENCY.



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



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2023 – 094**

**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 ON THE WEBSITE OF THE CITY, AND IN PUBLIC PLACES DETERMINED BY COUNCIL, 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 and as required by law, the Mayor and the City Council President have 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide that Council shall post on the website of the City, and in public places in the City determined by Council, 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 **on the website of the municipality and** in ~~not less than five (5) 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 on the website of the City of Strongsville, and in public places in the City determined by Council, 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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.

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**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 7, 2023. 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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-094 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. 06-20-23 Ref: COW  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 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 IV OF THE CHARTER OF THE CITY ENTITLED “ADMINISTRATIVE OFFICES” IN SECTION 6(c), TO PROVIDE THAT THE DECISION OF THE BOARD OF ZONING APPEALS GRANTING A VARIANCE IS FINAL WITHOUT REQUIRING A TWENTY (20) DAY DELAY FOR REVIEW BY CITY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter and as required by law, the Mayor and the City Council President have appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to Article IV, Section 6(c) 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That the decision of the Board of Zoning Appeals granting a variance is final without requiring a twenty (20) day delay for further review by City Council.

Section 6(c) of Article IV of the City Charter shall be deleted in its entirety.

**ARTICLE IV  
ADMINISTRATIVE OFFICES**

\* \* \*

**SECTION 6. BOARD OF ZONING APPEALS.**

\* \* \*

~~(c) Council Review. Any order of the Board granting a variance or exception shall not be final and take effect until the twentieth (20th) day after the date of approval of the order by the Board. During such time period, the applicant, the Building Commissioner or an elected official of the City may request a review by the Council of the City of the findings and determination of the Board. A request for review may be granted by the Council if it finds and determines that one or more matters at issue in such a request significantly affect or involve the implementation of any part of a master or comprehensive plan for the City, a purpose of the Planning and Zoning Code of the~~

~~City, or the intent of the Council in their adoption. If a request for review is approved by the Council, then, the Council shall hear the application or appeal de novo, and may reverse, amend or modify the findings and determination of the Board. When a request for review is approved by Council, any variance or exception granted by the Board shall be void and of no effect, unless Council shall fail to hear and decide the matter de novo within thirty (30) days after the date of approval by it of the request for review, or within such enlargement of time as may be determined by the Council for good cause shown. (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 6(c) of Article IV shall be and the same is hereby repealed.

**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(c) of Article IV of the City Charter be deleted in its entirety so that the decision of the Board of Zoning Appeals granting a variance is final without requiring a twenty (20) day delay for further review by City 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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.



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ORDINANCE NO. 2023 – 095  
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**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 7, 2023. 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

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

Yea

Nay

Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-095 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. 06-20-23 Ref: CDW  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 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 AN AMENDMENT TO ARTICLE IV OF THE CHARTER OF THE CITY ENTITLED “ADMINISTRATIVE OFFICES” IN SECTION 7(a), TO PROVIDE FOR FIVE (5) MEMBERS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter, and as required by law, the Mayor and the City Council President have appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council an amendment to Article IV, Section 7(a) 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That the Civil Service Commission of the City of Strongsville shall be increased to consist of five (5) members.

Section 7(a) of Article IV of the City Charter shall be amended to read as follows:

**ARTICLE IV  
ADMINISTRATIVE OFFICES**

\* \* \*

**SECTION 7. CIVIL SERVICE COMMISSION.**

\* \* \*

(a) Membership. The Civil Service Commission shall consist of ~~three~~ **five (5)** electors of the Municipality not holding other municipal office or appointment, to be appointed by the Mayor, with the approval of a majority of the members of Council. The term of members shall be four (4) years. Members may succeed themselves. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by the Mayor with the approval of a majority of the members of Council. Present members of the Civil Service Commission at the time this Charter amendment is adopted shall continue to serve until their terms are completed.

\* \* \*



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

**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(a) of Article IV of the City Charter be amended to provide that the Civil Service Commission of the City of Strongsville be increased to consist of five (5) members?

☐ 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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.

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**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 7, 2023. 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

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Ord. No. 2023-096 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. 06-20-23 Ref: CDW  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Public Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 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 V OF THE CHARTER OF THE CITY ENTITLED "FINANCE" IN SECTION 5(b), TO PROVIDE THAT COUNCIL MAY AUTHORIZE CERTAIN EXPENDITURES, IN EMERGENCIES OR OTHER LIMITED CIRCUMSTANCES, WITHOUT PUBLIC BIDDING, BY A VOTE OF NOT LESS THAN FIVE (5) OF ITS MEMBERS, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article X of the City Charter and as required by law, the Mayor and the City Council President have 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That in order to provide that Council may authorize certain expenditures, in emergencies or other limited circumstances, without public bidding, by a vote of not less than five (5) of its members.

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 five (5) of its members, for the efficient operation of the City, 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 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, for the efficient operation of the City, by a vote of not less than five (5) 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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 7, 2023. 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  
Date Passed: \_\_\_\_\_

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

Ord. No. 2023-097 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. 06-20-23 Ref: COLW  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 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 AN AMENDMENT TO ARTICLE X OF THE CHARTER OF THE CITY ENTITLED "CHARTER REVIEW COMMITTEE" TO PROVIDE THAT COUNCIL SHALL SUBMIT TO THE ELECTORS ANY PROPOSED ALTERATIONS, REVISIONS AND AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE, AND DECLARING AN EMERGENCY.**

WHEREAS, in accordance with Article X of the City Charter, and as required by law, the Mayor and the City Council President have appointed a Charter Review Committee; and

WHEREAS, the Committee has reviewed and recommended to City Council an amendment to Article X 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That Council shall submit to the electors any proposed alternatives, revisions and amendments recommended by the Charter Review Committee.

Article X of the City Charter shall be amended to read as follows:

**ARTICLE X  
CHARTER REVIEW COMMITTEE**

**SECTION 1. REVIEW.**

After January 1, 2019, the Mayor shall call for the creation of a Charter Review Committee at least once every five (5) years, consisting of nine (9) qualified electors of the Municipality. The Mayor shall appoint to the Committee five (5) qualified electors of the Municipality. The Council President shall appoint to the Committee four (4) qualified electors of the Municipality. No employee, elected official or appointed official of the City, including any member of any Board or Commission of the City, shall be eligible to serve on the Charter Review Committee. Such Committee shall review and recommend to Council not less than ninety (90) days prior to the next November election, any alterations, revisions and amendments to this Charter as in its judgment it deems advisable. The Council ~~may~~ **shall** submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the next regular November election. Each said Charter Review Committee shall cease to function on the day of the next November

election following its appointment. The members shall serve without compensation unless otherwise provided by ordinance.

~~(Amended 11-6-18)~~

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

**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 Article X of the City Charter be amended to provide that Council shall submit to the electors any proposed alternatives, revisions and amendments recommended by the Charter Review Committee?

☐ 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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 7, 2023. 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  
Date Passed: \_\_\_\_\_

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

Ord. No. 2023-098 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. 06-20-23 Ref: CDW  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 099

By: Mayor Perciak and All Members of Council

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 11654 PEARL ROAD (PPN 392-26-002) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

**Section 1.** That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 11654 Pearl Road (PPN 392-26-002), in the City of Strongsville, from GB (General Business) classification to R-RS (Restaurant-Recreational Services) classification, which property is more fully described in Exhibit "A" and depicted in Exhibit "B," all attached hereto and incorporated herein by reference.

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

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

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

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

Referred to Planning Commission

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

\_\_\_\_\_

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

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

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

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2023 – 099  
Page 2

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-099 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio:

And known as being part of Original Strongsville Township Lot No. 54, bounded and described as follows:

Beginning on the center line of Pearl Road, as originally established, at its intersection with the center line of Progress Drive, 60 feet wide;

Thence Northerly along the center line of Pearl Road, 155.87 feet to the Southeasterly corner of the first parcel of land conveyed to Gravely-Ohio Company by Deed dated September 24, 1970 and recorded in Volume 12745, page 79 of Cuyahoga County Records;

Thence Westerly along the first parcel of land so conveyed, and along the Southerly line of the second parcel of land conveyed to Gravely-Ohio Company by the aforesaid deed, and along the Southerly line of land conveyed to Bearco Inc., by Deed dated June 6, 1978 and recorded in Volume 14809, page 451 of Cuyahoga County Records, 312.27 feet to the Easterly line of land conveyed to Terrell Realty, Inc. by Deed dated July 24, 1979 and recorded in Volume 15063, page 173 of Cuyahoga County Records;

Thence Southerly along the said Easterly line of land so conveyed, 159.09 feet to the center line of Progress Drive;

Thence Easterly along said center line, 297 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting and excluding therefrom, that part within the bounds of Progress Drive as shown by the Dedication Plat recorded in Volume 193 of Maps, page 8 of Cuyahoga County Records.

PPN: 392-26-002

Commonly known as: 11654 Pearl Road, Strongsville, Ohio 44136

**EXHIBIT A**



**PETITION FOR ZONING CHANGE**

Ordinance Number: 2023-099



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

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

Such change is necessary for the preservation and enjoyment of a substantial property right because: We plan to turn the Building into a BiggBy Coffee Shop.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: is not surrounded by any Residential Homes.

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

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

THE PROPOSED USE OF THE PROPERTY IS: BiggBy Franchise

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

Name: Hany Potroos

Address: 8446 Hunting Drive, North Royalton OH. 44133

Telephone Number: 216-406-2283

Hany Potroos  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )



Subscribed in my presence this 23 day of June 2023, 20  .

**MELINDA KUHN**  
Notary Public, State of Ohio  
My Commission Expires  
October 31, 2027  
COMMISSION: 2017-RE-682770

Melinda Kuhn  
Notary Public  
My commission expires: October 31, 2027

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



**PROPERTY DESCRIPTION FORM**

Ordinance Number: 2023-099

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: 11654 Pearl Rd. Strongsville, Ohio 44136

Permanent Parcel No.: 39226002

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) on the corner of Progress Rd. and Pearl Rd.  
Across from the Alfa Romeo dealership.

Number and type of buildings which now occupy property (if any): One single Building

Acreage: 0.747

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): Restriction from operating a BANK for 3 years from original purchase date.  
But, NO RESTRICTIONS NOW.

Said deed restrictions (will) (have) expire(d) on: oct. 11th 2020

Said property is presently under lease or otherwise encumbered as follows: — NA —

Owner(s)

Percent of Ownership:

1. Hany Potroos, member of St. Paul & St. Ethan, LLC 100%

2. \_\_\_\_\_ %

3. \_\_\_\_\_ %

Hany Potroos  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )  
Lake

Sworn to and subscribed to in my presence this 23 day of June, 2023.



**MELINDA KUHN**  
Notary Public, State of Ohio  
My Commission Expires  
October 31, 2027  
COMMISSION: 2017-RE-682770

Melinda Kuhn  
Notary Public

My commission expires October 31, 2027

\* 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:** Lori Daley, Assistant City Engineer

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

**DATE:** June 26, 2023

**SUBJECT:** Rezoning Application  
Owner: Hany Potroos, St. Paul & St. Ethan, LLC  
PPN: 392-26-002  
Address: 11654 Pearl Road, Strongsville, Ohio 44149  
From: General Business (GB) to Restaurant-Recreation Services (R-RS)

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

Thank you.

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 Brill, Planning Commission Secretary

# City of Strongsville

## *Memorandum*

**To:** Neal Jamison, Law Director

**CC:** Mayor Perciak  
Ken Mikula, City Engineer  
Aimee Pientka, Clerk of Council  
George Smerigan, City Planner  
Brent Painter, Economic Development Director  
Dan Kolick, Assistant Law Director  
Carol Brill, Planning Commission Secretary  
Mitzi Anderson, Administrator to Boards and Commissions

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

**Date:** June 27, 2023

**Re:** Rezoning Application  
Hany Potroos, St. Paul & St. Ethan, LLC  
PPN 392-26-002  
11654 Pearl Road  
From GB to R-RS

---

Neal,

The legal description and exhibit included in the Clerk of Council's June 26, 2023 memo regarding the above referenced application accurately describe the parcel to be rezoned.

Please feel free to contact me with any questions.

Thank you.



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2023 – 100**

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

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR FINANCIAL ASSISTANCE THROUGH THE UNITED STATES 2022 CONSOLIDATED APPROPRIATIONS ACT, COMMUNITY GRANT FY 22, IN CONNECTION WITH THE CITY OF STRONGSVILLE PROSPECT ROAD STORM SEWER PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Strongsville has determined to proceed with the Prospect Road Storm Sewer Project from approximately 400 feet north of Albion Road to Blodgett Creek, which is 500 feet south of Fair Road, and consists of the replacement of an existing inadequate and deficient storm sewer system and appurtenances, installation of new storm sewers, manholes, catch basins, and pavement and landscape restoration; and

WHEREAS, the City has been advised that the U.S. EPA has agreed to provide funding to the City for the implementation of the Prospect Road Storm Sewer Project, in the amount of \$1,600,000.00; and

WHEREAS, in order to avail itself of such funding to implement the Prospect Road Storm Sewer Project, the City is required to enter into a Grant Agreement with the U.S. EPA; and

WHEREAS, therefore, the City wishes to enter into such Grant Agreement with the U.S. EPA, in order to receive the funds available through the United States 2022 Consolidated Appropriations Act, Community Grant FY 22, and to authorize the Mayor to enter into the Grant Agreement with the U.S. EPA in the form attached hereto as Exhibit A.

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

**Section 1.** That the Mayor be and is hereby authorized and directed to enter into a Grant Agreement with the U.S. Environmental Protection Agency (EPA) for funding assistance through the United States 2022 Consolidated Appropriations Act, Community Grant FY 22, in connection with implementation of the Prospect Road Storm Sewer Project, in the form attached hereto as Exhibit A and incorporated herein as if fully rewritten, and which in all respects is hereby approved.

**Section 2.** That the Mayor, Director of Finance, City Engineer, and any other appropriate City officials and their designees be and are hereby authorized and directed to provide, execute and deliver certifications, assurances and such other necessary information, and to do all other things required to perform the terms and conditions of the Agreement in accordance with their respective responsibilities thereunder.

**Section 3.** That the grant funds shall be placed into and expended out of the General Capital Improvement Fund and the Drainage Levy Fund.

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2023 – 100  
Page 2

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

**Section 5.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and general welfare of the inhabitants of the City, and for the further reason that it is necessary to enter into the aforesaid Agreement in order to accept funds for the implementation of the Prospect Road Storm Sewer Project, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-100 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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


	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00E03391		<b>DATE OF AWARD</b> 05/23/2023
		<b>MODIFICATION NUMBER:</b> 0		
		<b>PROGRAM CODE:</b> CG		<b>MAILING DATE</b> 05/26/2023
		<b>TYPE OF ACTION</b> New		
<b>RECIPIENT TYPE:</b> Municipal		<b>Send Payment Request to:</b> Contact EPA RTPFC at: rtpfc-grants@epa.gov		<b>ACH#</b> PEND
<b>RECIPIENT:</b> City of Strongsville 16099 Foltz Parkway Strongsville, OH 44149 <b>EIN:</b> 34-6002751		<b>PAYEE:</b> City of Strongsville 16099 Foltz Parkway Strongsville, OH 44149		
<b>PROJECT MANAGER</b> Lori Daley 16099 Foltz Parkway Strongsville, OH 44149 <b>Email:</b> lori.daley@strongsville.org <b>Phone:</b> 440-580-3120		<b>EPA PROJECT OFFICER</b> Steffanie Crossland 77 West Jackson Blvd., WS-15J Chicago, IL 60604-3507 <b>Email:</b> Crossland.Steffanie@epa.gov <b>Phone:</b> 312-353-4779		<b>EPA GRANT SPECIALIST</b> Mauricio Lobato Assistance Section, MA-10J 77 West Jackson Blvd. Chicago, IL 60604-3507 <b>Email:</b> lobato.mauricio@epa.gov <b>Phone:</b> 312-353-2515
<b>PROJECT TITLE AND DESCRIPTION</b> Community Grant FY 22  This agreement provides funding to Strongsville, Ohio to implement its project for the Prospect Road Storm Sewer Project as directed in the 2022 Consolidated Appropriations Act. The Prospect Road Storm Sewer Project is located in Cuyahoga County, City of Strongsville on Prospect Road from approximately 400' north of Albion Road to Blodgett Creek, which is 500' south of Fair Road. The construction consists of the replacement of an existing inadequate and deficient storm sewer system and appurtenances with new storm sewers ranging from 12" to 48" in diameter, manholes and catch basins. The project also includes the restoration of disturbed areas as well as pavement repairs including milling existing asphalt, full depth base repairs and new asphalt intermediate surface courses. The anticipated deliverables are semi-annual progress reports and a final project report outlining the progress of the construction project. The project is expected to eliminate flooding in the area. No subawards are included in this assistance agreement.				
<b>BUDGET PERIOD</b> 07/03/2023 - 05/01/2024	<b>PROJECT PERIOD</b> 07/03/2023 - 05/01/2024	<b>TOTAL BUDGET PERIOD COST</b> \$3,072,319.00	<b>TOTAL PROJECT PERIOD COST</b> \$3,072,319.00	
<b>NOTICE OF AWARD</b>  Based on your Application dated 03/28/2023 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$1,600,000.00. EPA agrees to cost-share <u>52.08%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,600,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 5, U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 5, Water Division R5 - Region 5 77 West Jackson Blvd., W-15J Chicago, IL 60604-3507		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
Digital signature applied by EPA Award Official				<b>DATE</b> 05/23/2023

EXHIBIT A





## Budget Summary Page

<b>Table A - Object Class Category (Non-Construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$0
<b>2. Fringe Benefits</b>	\$0
<b>3. Travel</b>	\$0
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$3,072,319
<b>8. Other</b>	\$0
<b>9. Total Direct Charges</b>	\$3,072,319
<b>10. Indirect Costs: 0.00 % Base N/A</b>	\$0
<b>11. Total (Share: Recipient <u>47.92</u> % Federal <u>52.08</u> %)</b>	\$3,072,319
<b>12. Total Approved Assistance Amount</b>	\$1,600,000
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$1,600,000
<b>15. Total EPA Amount Awarded To Date</b>	\$1,600,000

## **Administrative Conditions**

### **General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

### **A. Correspondence Condition**

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) and [lobato.mauricio@epa.gov](mailto:lobato.mauricio@epa.gov)
- MBE/WBE reports (EPA Form 5700-52A): [region5closeouts@epa.gov](mailto:region5closeouts@epa.gov) and **Mauricio Lobato at [lobato.mauricio@epa.gov](mailto:lobato.mauricio@epa.gov)**
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: **Steffanie Crossland at [crossland.steffanie@epa.gov](mailto:crossland.steffanie@epa.gov) and Mauricio Lobato at [lobato.mauricio@epa.gov](mailto:lobato.mauricio@epa.gov)**
- Payment requests (if applicable): **Steffanie Crossland at [crossland.steffanie@epa.gov](mailto:crossland.steffanie@epa.gov)**
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: **Steffanie Crossland at [crossland.steffanie@epa.gov](mailto:crossland.steffanie@epa.gov)**

### **B. Prior Approval of Payments**

Payment Requests are to be completed on Standard Form 270, "Request for Advance or Reimbursement" and submitted to the EPA Grants Office with a copy to the EPA Project Officer. This form can be found at <https://www.epa.gov/grants/epa-grantee-forms>. The requests will report cumulative expenditures both (federal and non-federal) incurred under the grant. EPA will make payments for allowable expenditures at the ratio shown in the latest Agreement.

Under this payment mechanism, the recipient submits an EPA Payment Requests Form to EPA for approval. After review and approval, EPA will pay the recipient for 52.08% of the allowable costs shown on the payment request (i.e., the Federal share); EPA may pay 100% of the allowable costs shown on the payment request for grants for which the cost share waiver requirement has been waived by EPA. The amount specified in the FY 2022 Appropriations Act represents the federal share of the total allowable costs. Documentation for amounts requested must be provided with each request for payment, including copies of bills (vouchers, invoices, etc.), along with a description of services rendered, time spent, and charges. Payment for costs approved by EPA will be credited to the designated payee at its designated financial institution. Any questioned or disallowed costs will be detailed in writing by EPA's Grants Management Officer.

## **Programmatic Conditions**



**GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS FOR EPA COMMUNITY GRANTS****A. Performance Reporting ([2 CFR 200.329](#))**

The recipient agrees to submit performance reports to the EPA Project Officer on a semi-annual basis, no later than April 30 and October 30 of each year. The final performance report must be submitted no later than 120 calendar days after the period of performance end date.

Performance reports must relate financial data and accomplishments to performance goals and objectives; include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and formation of cost overruns or high unit costs.

The recipient agrees to inform EPA as soon as problems, delays, or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement workplan.

**B. Project changes**

The recipient must obtain written EPA approval before implementing changes which alter the project performance standards; change the scope or objectives of the project or substantially alter the design of the project; transfer funds between construction and non-construction budget categories; significantly delay or accelerate the project schedule; substantially alter the facilities plan, design drawings and specifications, or the location, size, capacity, or quality of any major part of the project.

**C. Right of Access ([2 CFR 200.337](#))**

EPA will have access to all records including fiscal, procurement, and engineering data and files which are pertinent to the assistance agreement, and EPA may conduct site visits and inspections related to progress of the assistance agreement workplan activities.

**• Procurement Document Submission**

A copy of all proposed contracts for services and supplies over \$250,000 shall be submitted to the EPA Project Officer for review. The submittal of the proposed contracts shall include procurement records. A copy of all proposed contracts for construction shall be submitted to the EPA Project Officer for review. The submittal of the proposed contracts shall include procurement records.

(a) Recipient agrees to submit plans and specifications, requests for proposals, invitations for bid, scopes of work and/or plans and specifications to the EPA Project Officer for review prior to advertising for bids. Recipient will also submit any addenda to these documents to the EPA Project Officer for review prior to the opening of bids.

(b) Recipient agrees to submit to the EPA Project Officer, within ten calendar days after a bid opening, the bid package of the lowest responsive, responsible bidder for review prior to the award of a contract. The bid package will include a bid tabulation, a copy of the proof of advertising, the bid bond of the low bidder, the signed EPA Form 5700-49 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters), the MBE/WBE proposed utilization by the low bidder with a statement from Recipient that the efforts taken by the low bidder meet the regulatory requirements, and the recommendation to award a contract to the low bidder.

(c) Recipient agrees to submit to the EPA Project Officer for review any proposed contract for services, such as engineering or grant management, prior to signing each contract as well as any change orders executed after the award of the contract. A description of the process used to procure those services will also be submitted. Such contracts must comply with provisions in the regulations at [2 CFR Part 200](#) and/or [40 U.S.C. 1101 et seq.](#), or an equivalent State requirement as applicable to be accepted as allowable project costs.

#### D. Procurement

(a) The recipient agrees to procure all services (professional or otherwise), supplies, and construction awarded under this grant in accordance with [2 CFR 200.317 through 2 CFR 200.327](#) and [40 CFR Part 33](#).

(b) Recipient agrees to comply with the procurement processes for architectural and engineering (A/E) services as identified in [40 U.S.C. 1101 et seq.](#), or an equivalent State requirement.

Where equivalent State requirements are complied with, the source of the requirement (e.g., existing State legislation or regulation, etc.) must be stated, and a certification from the Governor of the State that the State's A/E procurement requirements are equivalent to [40 U.S.C. 1101 et seq.](#) must accompany the grant application. In lieu of a certification from the Governor, the Attorney General's certification submitted with each grant application may include this certification. The requirements of [40 U.S.C. 1101 et seq.](#) are:

- Public announcement of the solicitation (e.g., a Request for Qualifications);
- Evaluation and ranking of the submitted qualifications statements based on established, publicly available criteria (e.g., identified in the solicitation);

Evaluation criteria should be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);

- Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;
- Selection of at least three firms considered to be the most highly qualified to provide the services required; and
- Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered;

In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification.

In the event that the State has no existing equivalent qualifications-based requirement for procurement, the federal requirements in [40 U.S.C. 1101 et seq.](#) apply.

#### E. Cybersecurity Condition

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks



used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under [2 CFR 200.332\(d\)](#), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

## F. Signage

The recipient is required to place a physical sign displaying the EPA logo at the construction site for this project in an easily visible location that can be directly linked to the work taking place. The sign must be maintained in good condition throughout the construction period. In cases where the construction site covers a large area (e.g., lead service line replacement or septic tank repair/replacement projects), a sign should be placed in an easily visible location near where the work is being performed (e.g., entrance to the neighborhood, along a main road through town, etc.). Signage costs are considered an allowable grant expense, provided the costs associated with the signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, assistance recipients are encouraged to translate the language on signs (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable grant expenses, provided the costs are reasonable.

Procuring Signs: Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs.

EPA Logo: The recipient will ensure that signage displays the EPA logo. The EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project.

The recipient will ensure compliance with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to [Londa Scott-Forte](#) (202-564-1504) and [Jini Ryan](#) (202-564-1075). Please explain in the message that the EPA logo is to be used on signage at a construction site funded with EPA assistance and copy the EPA Project Officer on the message.

## G. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

## H. Federal Cross-cutting Requirements/Other Applicable Federal Laws

Recipient must comply with federal cross-cutting requirements as well as other applicable federal laws as provided in EPA's [Community Grants Program Final Implementation Guidance](#), October 2022.

## I. American Iron and Steel (AIS)

AIS requirements apply to State Revolving Fund assistance agreements signed on or after January 17, 2014, including all treatment works projects funded by a CWSRF assistance agreement and all public water system projects funded by a DWSRF assistance agreement signed on or after January 17, 2014. Based on the FY 2022 Consolidated Appropriations Act directive Congressional language ("Applicable Federal requirements that would apply to a Clean Water State Revolving Fund or Drinking Water State Revolving Fund project grant recipient shall apply to a grantee receiving a CPF grant under this section"), AIS requirements apply to this award agreement.

(a) *Definitions.* As used in this award term and condition—

- (1) "iron and steel products" mean the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
- (2) "steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Domestic preference.*

- (1) This award term and condition requires that all iron and steel products used for a project for the construction, alteration, maintenance or repair of a public water system or treatment work are produced in the United States except as provided in paragraph (b)(2) of this section and condition.
- (2) This requirement shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency finds that—
  - (i) applying the requirement would be inconsistent with the public interest;
  - (ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
  - (iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.
- (3) The Build America, Buy America (BABA) Act requirements do not supersede the AIS requirements, and both provisions still apply and work in conjunction. Compliance with AIS requirements meets the BABA requirements for iron and steel.



(c) *Request for a Waiver under (b)(2) of this section*

(1) Any recipient request to use foreign iron or steel products in accordance with paragraph

(b)(2) of this section shall include adequate information for federal Government evaluation of the request, including—

(i) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(ii) Unit of measure;

(iii) Quantity;

(iv) Cost;

(v) Time of delivery or availability;

(vi) Location of the project;

(vii) Name and address of the proposed supplier; and

(viii) A detailed justification of the reason for use of foreign iron or steel products cited in accordance with paragraph (b)(2) of this section.

(2) If the Administrator receives a request for a waiver under this section, the waiver request shall be made available to the public for at least 15 days prior to making a finding based on the request.

(3) Unless the Administrator issues a waiver of this term, use of foreign iron and steel products is noncompliant with P.L. 117-103 and the Explanatory Statement for Division G of P.L. 117-103.

(d) This term and condition shall be applied in a manner consistent with United States obligations under international agreements.

**J. Build America, Buy America Act**

This term and condition supplements the “Build America, Buy America” term and condition included in EPA's [General Terms and Conditions](#).

(a) Definitions.

As used in this award term and condition —

(1) “Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);

- lumber; or
- drywall.

(2) "Domestic content procurement preference" means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

(3) "Infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

(4) "Project" means the construction, alteration, maintenance, or repair of infrastructure in the United States.

(b) Domestic Preference.

This term and condition implements the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, including Build America, Buy America Act, Pub. L. No. 117-58, §§70901-52. None of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials (excluding cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives) are manufactured in the United States. All manufacturing processes for the construction material occurred in the United States.

(4) The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

(c) Waiver Request.

(1) When necessary, recipients may apply for a waiver from these requirements.

(2) A request to waive the application of the domestic content procurement preference must be in writing and submitted following the waiver instructions at <https://www.epa.gov/cwsrf/build-america-buy-america-baba>.

(3) Waiver requests are subject to public comment for at least 15 days prior to making a finding based on the request.

(4) Waiver requests are subject to review by the Office of Management and Budget's Made in America Office.

(5) There may be instances where an award qualifies, in whole or in part, for an existing waiver described at <https://www.epa.gov/cwsrf/build-america-buy-america-baba-approved-waivers>.

(6) The U.S. Environmental Protection Agency may grant a waiver based upon one of the exceptions as established in Section 70914(b) of the Infrastructure Investment and Jobs Act and further described in the Office of Management and Budget Memorandum M-22-11.

(7) Any recipient waiver request to use foreign iron, steel, manufactured products, and/or construction materials in an infrastructure project shall include adequate information for the Federal Government evaluation of the request, including—

- i. The Federal Award Identification Number (FAIN);
- ii. Location and description of the project;
- iii. Total cost of infrastructure expenditures, including federal and non-federal funds;
- iv. List of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), relevant Product Services Code (PSC) and North American Industry Classification System (NAICS) code for each, unit of measure, quantity, time of delivery or availability, and name and address of the proposed supplier;
- v. A detailed justification of the reason for use of foreign iron, steel, manufactured products, and/or construction materials;
- vi. Anticipated impact if no waiver is issued; and
- vii. A certification that the federal official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(8) Unless a waiver applies, use of foreign iron, steel, manufactured products, and/or construction materials that are consumed in, incorporated into, or affixed to an infrastructure project is noncompliant with this term and condition pursuant to the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, including Build America, Buy America Act, Pub. L. No. 117-58 §§70901-52.

**(d) Waiver Evidence Submission.**

(1) Maintain documentation of any use of materials which are considered de minimis and are covered by an [existing waiver](#) (e.g. miscellaneous, generally low-cost products that are essential for construction and are incorporated into the physical structure of the project) with grant project files for a period of three years from the date of submission of the final expenditure report, in accordance with [2 CFR 200.334](#).

(2) If recipient seeks coverage under an existing [BABA waiver](#), recipient agrees to submit available evidence to the EPA project officer to support such a determination as identified in the BABA waiver. Recipient shall maintain



this evidence with grant project files for a period of three years from the date of submission of the final expenditure report, in accordance with [2 CFR 200.334](#).

#### K. Environmental Review

In accordance with the requirements of the National Environmental Policy Act, EPA has issued a categorical exclusion for this project in accordance with provisions in [40 CFR Part 6](#). If EPA determines that a categorical exclusion is not appropriate for this project, Recipient agrees to submit information necessary to issue a Finding of No Significant Impact. If the scope of the project changes, Recipient understands that additional environmental review may be necessary.

#### L. Davis-Bacon

##### (a) Applicability of the Davis-Bacon (DB) Prevailing Wage Requirements.

The recipient agrees to include in all procurement contracts and subawards to provide assistance for the construction, alteration, and repair of treatment works carried out in whole or in part with funds made available by the FY 2022 Consolidated Appropriations Act a term and condition requiring compliance with section 513 of the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), and section 1450(e) of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300j-9(e)) and require that procurement contractors and sub-grantees include such a term and condition in subcontracts and other lower tiered transactions. All contracts and subcontracts in excess of \$2,000 for the construction of treatment works carried out in whole or in part with assistance made available as stated herein shall include in full in the contract clauses as attached hereto entitled "Wage Rate Requirements Under the Clean Water Act, Section 513 and the Safe Drinking Water Act, Section 1450(e)." This term and condition applies to all subagreements to provide assistance under the authorities referenced herein, whether in the form of a subgrant, or any other vehicle to provide financing for a project.

If the recipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the recipient must discuss the situation with EPA before authorizing work on that site.

##### (b) Obtaining Wage Determinations.

(1) Unless otherwise instructed by EPA on a project specific basis, the recipients shall use DOL General Wage Classifications for the locality in which the construction activity subject to DB will take place. Recipients must obtain proposed wage determinations for specific localities at [SAM.gov](#). If the recipient is a non-governmental entity, after the recipient obtains its proposed wage determination, it must submit the wage determination to [EPA Grants Info@epa.gov](#), for approval prior to inserting the wage determination into a solicitation, contract or before issuing task orders, work assignments, or similar instruments to existing contractors (ordering instruments) unless subsequently directed otherwise by EPA's Award Official.

Note: Recipients must discuss unique situations that may not be covered by the DOL General Wage Classifications with EPA. If, based on discussions with a recipient, EPA determines that DB applies to a unique situation (e.g., unusually extensive excavation) the Agency will advise the recipient which General Wage Classification to use based on the nature of the construction activity at the site.

(2) Recipients shall obtain the wage determination for the locality in which a Community Grants activity subject to DB will take place *prior* to issuing requests for bids, proposals, quotes, or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage



determination incorporated into the prime contract.

(i) While the solicitation remains open, the recipient shall monitor [SAM.gov](https://www.sam.gov) on a weekly basis to ensure that the wage determination contained in the solicitation remains current. The recipient shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e., bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the recipient may request a finding from EPA that there is not a reasonable time to notify interested contractors of the modification of the wage determination. EPA will provide a report of the Agency's finding to the recipient.

(ii) If the recipient does not award the contract within 90 days of the closure of the solicitation, any modifications DOL makes to the wage determination contained in the solicitation shall be effective unless EPA, at the request of the recipient, obtains an extension of the 90-day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The recipient shall monitor [SAM.gov](https://www.sam.gov) on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(iii) If the recipient carries out a Community Grants activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the recipient shall insert the appropriate DOL wage determination from [SAM.gov](https://www.sam.gov) into the ordering instrument.

(3) Recipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(4) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a recipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the recipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the recipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The recipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

#### (c) Contract and Subcontract Provisions

(1) The recipient shall insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of treatment works, and construction projects that would be [eligible under the Drinking Water State Revolving Fund Program](#), and which is subject to the labor standards provisions of any of the acts listed in § 5.1 or Title VI of the CWA or Section 1452(a)(5) of the SDWA, the following labor standards provisions.

##### (i) Minimum wages.

(I) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the applicable wage determination of the



Secretary of Labor which the recipient obtained under the procedures specified in Item(b) Obtaining Wage Requirements, above, and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(i)(IV) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (1)(i)(II) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. Recipients shall require that the contractor and subcontractors include the name of the recipient employee or official responsible for monitoring compliance with DB on the poster. Recipients may obtain wage determinations from <https://sam.gov/content/wage-determinations>.

(II)(A) The recipient, on behalf of EPA, shall require that contracts and subcontracts entered into under this agreement provide that any class of laborers or mechanics, including helpers, which is not listed in the wage determination, and which is to be employed under the contract shall be classified in conformance with the wage determination. The EPA Award Official shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(II)(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the recipient agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the recipient to the EPA Award Official. The Award Official will transmit the report, to the Administrator of the Wage and Hour Division (WHD) at [whd-cbaconformance\\_incoming@dol.gov](mailto:whd-cbaconformance_incoming@dol.gov). The WHD Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the Award Official or will notify the Award Official within the 30-day period that additional time is necessary.

(II)(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the recipient do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the questions,



including the views of all interested parties and the recommendation of the Award Official, to the WHD Administrator for determination. The WHD Administrator, or an authorized representative, at [whd-cbaconformance\\_incoming@dol.gov](mailto:whd-cbaconformance_incoming@dol.gov) will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the Award Official within the 30-day period that additional time is necessary.

(II)(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (1)(i)(II)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(III) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(IV) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account, assets for the meeting of obligations under the plan or program.

(ii) Withholding. The recipient, upon written request of the Award Official or an authorized representative of the Department of Labor, shall withhold or cause to withhold from the contractor under this contract or any other federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, EPA may, after written notice to the contractor, or recipient take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(iii) Payrolls and basic records.

(I) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the



apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(II)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the recipient who will maintain the records on behalf of EPA. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead, the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/whd/forms/wh347.pdf> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker and shall provide them upon request to the recipient for transmission to the EPA, if requested by EPA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the recipient.

(II)(B) Each payroll submitted to the recipient shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

- (1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR Part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR Part 5, and that such information is correct and complete;
- (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR Part 3;
- (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(II)(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (1)(iii)(II)(B) of this section.

(II)(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(III) The contractor or subcontractor shall make the records required under paragraph (1)(iii)(I) of this section available for inspection, copying, or transcription by authorized representatives of the EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, EPA may, after written notice to the contractor, recipient, sponsor, applicant, or owner, take such action as may be necessary



to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(iv) Apprentices and Trainees.

(I) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the WHD Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(II) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage

determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(III) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(v) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(vi) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this term and condition.

(vii) Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(viii) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract.

(ix) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors), the recipient, borrower or subrecipient and EPA, the U.S. Department of Labor, or the employees or their representatives.

(x) Certification of eligibility.

(I) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(II) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(III) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(d) Contract Provisions for Contracts in Excess of \$100,000.

(1) Contract Work Hours and Safety Standards Act. The recipient shall insert the following clauses set forth in

paragraphs (1)(i), (ii), (iii), and (iv) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item (c) Contract and Subcontract Provisions, above, or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(i) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(ii) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1)(i) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1)(i) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1)(i) of this section.

(iii) Withholding for unpaid wages and liquidated damages. The recipient, upon written request of the Award Official or an authorized representative of the Department of Labor, shall withhold or cause to withhold from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (1)(ii) of this section.

(iv) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1)(i) through (iv) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1)(i) through (iv) of this section.

(2) In addition to the clauses contained in Item (c) Contract and Subcontract Provisions, above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in [29 CFR 5.1](#), the recipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the recipient shall insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of EPA and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

(e) Compliance Verification.



(1) The recipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The recipient must use [Standard Form \(SF\) 1445](#) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.

(2) The recipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the recipient must conduct interviews with a representative group of covered employees within two weeks of each contractor or subcontractor's submission of its initial weekly payroll data and two weeks prior to the estimated completion date for the contract or subcontract. Recipients must conduct more frequent interviews if the initial interviews or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. Recipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.

(3) The recipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The recipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the recipient must spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. recipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations, the recipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(4) The recipient shall periodically review contractor and subcontractor use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

(5) Recipients must immediately report potential violations of the DB prevailing wage requirements to the EPA DB contact listed above and to the appropriate DOL Wage and Hour District Office listed at <https://www.dol.gov/whd/america2.htm>.

(b) any costs incurred for unapproved work by the recipient are at its own risk.

#### **M. Operation and Maintenance**

The recipient agrees to certify that it will properly operate and maintain all facilities partially funded by this grant for the useful life of the facilities as indicated below. These certifications will be submitted to EPA prior to final payment.

##### Useful Life Timeframes

- Land - Permanent
- Wastewater/Water Conveyance Structures: collection systems, pipes, interceptors, force mains, tunnels, distribution lines, etc. - 40 years
- Other Structures: plant buildings, concrete tankage, basins, lift stations and pump station structures, inlet structures, etc. -

30 years

- Wastewater and Drinking Water Process Equipment - 15 years
- Auxiliary Equipment - 10 years

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2023 – 101**

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

**AN ORDINANCE AMENDING SECTION 250.01 OF TITLE SIX  
OF PART TWO-ADMINISTRATION CODE, CONCERNING  
VACANCIES IN THE POSITION OF PATROL OFFICER IN THE  
POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That Section 250.01 of Chapter 250 of Title Six of Part Two-Administration Code of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

**250.01 MEMBERSHIP AND HOURS OF WORK.**

(a) The Police Department shall be composed of the following uniformed ranks:

- (1) Chief;
- (2) Assistant Chief;
- (3) Lieutenant;
- (4) Sergeant; and
- (5) Officer.

(Ord. 1999-155. Passed 7-19-99.)

(b) Council hereby establishes the maximum number of members of each rank of officer in the Police Department as follows:

Rank	Maximum Number
Chief	1
Assistant Chief/Deputy Chief	2*
Lieutenant	6**
Sergeant	12
Officer (Patrol)	55

\*Pursuant to the Collective Bargaining Agreement between the Fraternal Order of Police, Parma Lodge #15 (Sergeants and Lieutenants Unit) and the City, the Chief of Police may select up to two (2) Lieutenants to fill the position of Assistant Chief/Deputy Chief.

\*\*This number shall include any Lieutenant(s) designated by the Chief of Police as Assistant Chief/Deputy Chief.  
(Ord. 2018-035. Passed 3-19-18.)

(c) In addition to the maximum number of Patrol Officers provided in Section (b), when there is a known vacancy for a position as a Patrol Officer to occur on a date certain in the future, the Appointing Authority may hire an additional Patrol Officer above the maximum number set out in Section (b) for a period not to exceed six (6) months before the known vacancy date for that position, in order to insure that the Patrol Officer obtains the necessary training and certifications to be able to properly perform the Patrol Officer's duties when that Patrol Officer permanently fills the vacant position.



CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2023 – 101  
Page 2

(ed) The Police Chief shall devote a minimum of forty hours per calendar week to his duties. Each work day shall consist of eight hours per day.

~~(Ord. 1999-155. Passed 7-19-99.)~~

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

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

**Section 4.** That this Ordinance is hereby declared to be an emergency measure 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 necessary to provide for continuity in the operation of the Police Department. 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

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Ord. No. 2023-101 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 102

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AMENDING SECTION 252.01 OF TITLE SIX OF PART TWO-ADMINISTRATION CODE, CONCERNING VACANCIES IN THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.**

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

**Section 1.** That Section 252.01 of Chapter 252 of Title Six of Part Two-Administration Code of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

**252.01 ESTABLISHMENT; COMPOSITION.**

(a) Pursuant to Section 252.01(b), Council hereby establishes the maximum number of members of each rank of officer in the Fire Department as follows:

Rank	Maximum Number
Chief	1
Assistant Chief	2
Captain	5
Lieutenant	13*
Firefighter	47**

\* This number shall include any lieutenant(s) designated as lieutenant paramedic.

\*\* This number shall include any firefighter(s) designated as firefighter-paramedic.

(Ord. 2020-162. Passed 11-16-20.)

(b) Within the rank of firefighter shall be the special position of firefighter-paramedic. Within the rank of lieutenant shall be the special position lieutenant-paramedic. The maximum number of members in each rank shall be as authorized by Council from time to time.

(c) In addition to the maximum number of Firefighters provided in Section (a), when there is a known vacancy for a position as a Firefighter to occur on a date certain in the future, the Appointing Authority may hire an additional Firefighter above the maximum number set out in Section (a) for a period not to exceed six (6) months before the known vacancy date for that position, in order to insure that the Firefighter obtains the necessary training and certifications to be able to properly perform the Firefighter's duties when that Firefighter permanently fills the vacant position.

(ed) When by collective bargaining agreement rates of compensation are established within a rank for classes within the rank based upon time in service, such compensation classes shall not constitute a special position within rank and promotional examination shall not be required to progress from one compensation class to the next.

~~(Ord. 1999-156. Passed 7-19-99.)~~



**Section 2.** That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Fire Levy Fund and Fire Pension Fund.

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

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to provide for continuity in the operation of the Fire Department. 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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-102 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2023 – 103**

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

**AN ORDINANCE AUTHORIZING A JOB/PAYROLL CREATION  
INCENTIVE GRANT FOR THE MILLCRAFT PAPER COMPANY,  
AND DECLARING AN EMERGENCY.**

WHEREAS, the retention and creation of jobs and employment opportunities is integral to the continued economic health of the City of Strongsville, Ohio, and its citizens; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the authority to exercise all powers of local self-government, and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, Article I of the Charter of the City of Strongsville provides that the City shall have all powers of local self-government and municipal home rule now or hereafter granted to municipalities by the Constitution and laws of Ohio; and further that the powers of the City may also be exercised in such manner as may now or hereafter be provided by the general laws of Ohio not conflicting with the City Charter or Ordinances; and

WHEREAS, the use of governmental resources for the promotion of economic development in the community is in the public interest and is a proper exercise of municipal powers pursuant to Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, to this end, by adoption of Ordinance No. 2013-234, the City authorized a Job/Payroll Creation Incentive Grant Program to provide incentives to businesses to create or expand employment opportunities within the City of Strongsville without utilizing tax revenues or impacting negatively upon the local school system; and

WHEREAS, the Director of Economic Development has recommended that a Job/Payroll Creation Incentive Grant application be approved and that a grant be awarded to **THE MILLCRAFT PAPER COMPANY**, currently located at 6800 Grant Avenue, Cleveland, Ohio, based upon its application that the company is a distributor of paper, packaging and office supplies; and

WHEREAS, The Millcraft paper Company, as employer, is committing to the creation of approximately 60 new full-time jobs by October, 2023 in Strongsville, with a total new payroll of \$6,244,000.00, all arising after the effective date of the application being June 20, 2023, in accordance with Program guidelines.

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

**Section 1.** That pursuant to Article VIII, Section 13 and Article XVIII, Section 3 of the Ohio Constitution, and City Ordinance No. 2013-234, this Council hereby approves the application of **THE MILLCRAFT PAPER COMPANY**, duly filed with the City on June 20, 2023, and authorizes the creation of a Job/Payroll Creation Incentive Grant to The Millcraft Paper Company for a term and amount as predicated upon its application, Exhibit 1, and pursuant to

CITY OF STRONGSVILLE, OHIO  
ORDINANCE NO. 2023 – 103  
Page 2

the Program's terms and conditions as reflected in Exhibit 2, both of which are attached hereto and made a part hereof and which collectively shall constitute the agreement between the applicant and the City.

**Section 2.** That as further specified in the Incentive Grant Program, if the within project does not proceed as specified in the application, Exhibit 1, or if the company were to leave the City during the term of agreement, then Council may rescind the agreement and/or require repayment of grant monies.

**Section 3.** That Council hereby authorizes and appropriates funding and payment for the Job/Payroll Creation Incentive Grant from the City's non-tax revenue sources, including but not limited to the following: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees for The Millcraft Paper Company, which shall be paid from the General Fund.

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

**Section 5.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that the authorization and approval of the Job/Payroll Creation Incentive Grant is necessary to create new jobs and new payroll within the City of Strongsville in furtherance of the City's economic development and well-being, and to generate additional tax dollars now and in the future. 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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

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

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

Ord. No. 2023-103 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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



**CITY OF STRONGSVILLE**  
**Application**  
**Job/Payroll Creation Incentive Grant Program**

**Applicant Information:**

Business Name/Entity Form: The Millcraft Paper Company

Current Address: 6800 Grant Avenue, Cleveland, OH 44105

Company Website: www.millcraft.com

NAICS Code: 424130

Contact Name & Title: David Hegeman, CFO

Contact e-mail Address: hegemand@millcraft.com

Contact Phone: 216-429-9807

Current Number of Full-Time Permanent Employees in Strongsville: 0

Current Payroll in Strongsville: \$0

Brief Company Description: Distributor of paper, packaging, and office supplies

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Principal Owners/Officers: Travis Mlakar, President and 100% shareholder

Federal Identification No. (FEIN): 34-0401595

Does your firm owe any monies to the State of Ohio, a State agency or Political Subdivision? If so, please explain: None

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**Project Information:**

Brief Project Description: Considering move to Strongsville, which doubles the size of our current warehouse space from our Grant Avenue site today

Project Address/Location(s): 13000 and 12850 Darice Pkwy, Strongsville, OH

Project Start Date: 10/1/2023

Estimated Completion Date: 10/31/2023

\*New Full-Time Permanent Jobs Created by the Project: 60 (initial base)

\*New Payroll Created by the Project: \$ \$6,244,000 Annual (initial base)

Total Project Investment:

- Real Property Investment: Renting - Initial Rent is \$742,536 annually
- Personal Property Investment: \$4.5 Million Inventory, \$500,000 Leasehold Imp/Fixed Assets

Application Fee:

- A non-refundable fee of \$0 is to be submitted with this application. A copy of the application will be attached to the final Job/Payroll Creation Incentive Grant Program Agreement, which must be submitted to City Council for approval.

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\* **Note:** *Certain required thresholds under the Program must be met in order to receive a grant.*

**Certification of Information:**

Submission of this application expressly authorizes the City of Strongsville to contact any agency to confirm the statements contained herein. The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct, and is subject to all penalties for falsification provided under law.



*Signature*

CFO

*Title*

David Hegeman

*Printed Name*

6/20/2023

*Date*

**Please submit completed application to:**

**The City of Strongsville**  
Department of Economic Development  
16099 Foltz Parkway, Strongsville, Ohio 44149  
Attention: Brent Painter, Director of Economic Development  
(440) 580-3118  
[brent.painter@strongsville.org](mailto:brent.painter@strongsville.org)



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## JOB/PAYROLL CREATION INCENTIVE GRANT PROGRAM

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The City of Strongsville has established a Job/Payroll Creation Incentive Program that offers incentives to eligible businesses that are creating new, full-time jobs generating new payroll. The City will offer an eligible company an annual grant payment based on a percentage of the annual payroll withholding taxes generated by jobs that are new to the City of Strongsville.

### **Program Parameters/Requirements:**

- The program will be structured as an incentive grant based upon the creation of new full-time jobs and payroll.
- Strongsville's payroll withholding tax is 2%. Grants are based upon a percentage of the payroll tax withheld for new jobs created as a result of an approved project (See Grant Guidelines below). Grants will be awarded using non-tax revenues.
- Each grant application must be approved by City Council and the Mayor through a specific grant agreement, prior to the applicant company undertaking the project.
- The program will be available to businesses committing to a re-location/expansion into Strongsville or existing Strongsville businesses committing to an increase of jobs and payroll in the City.
- In order to be eligible, a company locating a new business in Strongsville must create a minimum of thirty (30) new full-time jobs within a 3-year period generating a minimum new annual payroll of \$6,000,000 to the City of Strongsville and as indicated in their application.
- A company already located in Strongsville and expanding at its current facility, or expanding at a new facility within the City, must create within a 3-year period thirty (30) new full-time jobs generating a minimum annual payroll of \$6,000,000 new to the City of Strongsville, while maintaining its current employee payroll.
- All applicants must meet the minimum required number of additional new full-time jobs and new annual payroll to new or existing Strongsville businesses to be eligible, and as measured against current jobs and current payroll at time of application.
- No grant funds will be awarded until required and agreed upon minimum thresholds are met for both new full-time jobs and new annual payroll as set forth in the specific Job/Payroll Creation Grant Agreement with the City, and consistent with the above parameters. The term of the grant starts only once designated targets are met. Such targets must be maintained for each year in order to be eligible to receive the grant for that particular year.
- Independent contractor positions do not qualify as full-time jobs.
- The following categories are not eligible altogether under the Program: Retail and food service businesses; public utilities; state, federal or local governmental units, agencies or entities.





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### Grant Guidelines:

The maximum grant will be for eight (8) years\* and 30%. All grants will be based on actual new jobs and payroll according to the following schedule:

Minimum New Full-Time Jobs Created	New Annual Payroll	Length of Grant	Award Rate
N/A	Less than \$6 million	N/A	N/A
30	\$6 million to \$9.99 million	3 years	25%
50	\$10 million to \$11.99 million	3 years	30%
70	\$12 million to \$13.99 million	4 years	30%
90	\$14 million to \$15.99 million	5 years	30%
110	\$16 million to \$17.99 million	6 years	30%
130	\$18 million to \$19.99 million	7 years	30%
150	\$20 million or above	8 years	30%

\*Notwithstanding the technical parameters of the grant guidelines, an applicant may be eligible for a grant with a term not to exceed ten (10) years at a 30% award rate at the City's sole discretion only if both of the following circumstances are established: (a) The project must create at least a 75% increase over the grant guideline threshold for new annual payroll of \$20 million (i.e. \$35 million) and/or new jobs requirement of 150 new permanent full-time jobs (i.e. at least 265 new full-time jobs); and (b) is identified by the City of Strongsville as having additional extraordinary circumstances associated with the project.

- For companies already located in Strongsville, only new jobs and payroll shall be used to determine the number of years and the award percentage of the grant. The company will be required to maintain the workforce level and payroll that are current when the grant application is filed.
- If the company is leasing space, the number of years of the grant may be limited so as not to exceed the current lease term.
- If a company has multiple locations in the City and total new employment and new payroll requirements are met at any combination of locations within the City, then the company will qualify for the grant payments.
- City Council will have the discretion to customize allowable time frames for each grant agreement when unusual circumstances may warrant, so long as consistent with the parameters and intent of this Program.
- Only new payroll attributable to new employees and paid after the effective date of the application will be eligible for purposes of calculating the amount of the grants awarded.



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### **Application Procedures:**

Application forms will be available from the Economic Development Department. A non-refundable application fee of \$500.00 in the form of a check payable to the City of Strongsville shall be submitted with the application to cover administrative costs.

### **Program Funding:**

Funding for the grant program will be charged and paid from non-tax generated revenues, including but not limited to, interest income, permit fees, service charges, activity fees, and tax incentive application and monitoring fees.

### **Claw Back Provision:**

Each grant agreement will include a binding claw back provision requiring, at the option of the City, repayment of grant monies if the company leaves the City during the term of the agreement.

### **Annual Reporting:**

- Upon the City's request and on forms provided by the City, companies must submit an annual Job/Payroll Creation Grant report documenting new employment and payroll, and providing whatever additional information is requested by the Director of Finance. This report will be required annually during each year that a grant is being awarded.
- The annual performance reports will be reviewed by the Director of Economic Development and the Finance Director. An annual summary report of all grants activity will be prepared by the Director of Economic Development and transmitted to the Mayor and City Council.

### **Termination of Agreement:**

- If the project does not proceed as specified in the agreement, or the company leaves the City during the term of agreement, then Council may rescind the agreement upon recommendation of the Administration.

*October 21, 2013*

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 104

By: All Members of Council

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF STRONGSVILLE AT THE NEXT REGULAR NOVEMBER ELECTION AN AMENDMENT TO ARTICLE IV OF THE CHARTER OF THE CITY ENTITLED “ADMINISTRATIVE OFFICES” IN SECTIONS 5(a) AND 5(b), TO AMEND THE PROVISION FOR MEMBERS OF THE PLANNING COMMISSION OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article IX, Section 2 of the City Charter, the City Council may submit any proposed amendment to the Charter to the electors; and

WHEREAS, therefore, this Council has recommended certain amendments to Article IV, Sections 5(a) and 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 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 7, 2023, the following proposal to amend the Charter of the City of Strongsville, Ohio:

That the City Council may appoint a person to act in its stead as its designee to the Planning Commission for a term of two years.

Sections 5(a) and 5(b) of Article IV of the City Charter shall be amended to read as follows:

**ARTICLE IV  
ADMINISTRATIVE OFFICES**

\* \* \*

**SECTION 5. PLANNING COMMISSION.**

(a) Membership. The Planning Commission shall consist of seven (7) members: the Mayor; one member of Council **or a person appointed by Council to act in its stead as its designee**; and five (5) members appointed by the Mayor subject to the approval of a majority of the members elected to Council. Appointed members shall hold no other municipal office or appointment. The Mayor shall have the right to remove any appointed member **he or she has appointed** for cause. **The Council shall have the right to remove the member it has appointed for cause.**



(b) Terms of Office. Present members of the Planning Commission shall continue to serve until their terms are completed. Members may succeed themselves. The term of members appointed by the Mayor shall be for four (4) years. **The term of the member appointed by Council shall be two (2) years.**

\* \* \*

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

**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 Sections 5(a) and 5(b) of Article IV of the City Charter be amended to provide that City Council may appoint a person to act in its stead as its designee to the Planning Commission for a term of two years?

☐ 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 9, 2023.

**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 7, 2023 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 7, 2023, 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 7, 2023 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. 2023 – 104  
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 7, 2023. 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

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

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

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

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

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

Ord. No. 2023-104 Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_

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

**CITY OF STRONGSVILLE, OHIO**

**RESOLUTION NO. 2023 – 105**

**By: All Members of Council**

**A RESOLUTION DECLARING THE MONTH OF AUGUST, 2023  
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 2023; and

WHEREAS, this Council accordingly will suspend regular Council meetings during the month of August, 2023.

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, 2023.

**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  
RESOLUTION NO. 2023 – 105  
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Clark	_____	_____
DeMio	_____	_____
Kaminski	_____	_____
Kosek	_____	_____
Roff	_____	_____
Short	_____	_____

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

**RES** Ord. No. **2023-105** Amended: \_\_\_\_\_  
1<sup>st</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Ref: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Public Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
Adopted: \_\_\_\_\_ Defeated: \_\_\_\_\_