

City of Strongsville

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Strongsville, Ohio 44149-5598
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www.strongsville.org

City Council

James A. Kaminski
Ward 1

Anmarie 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

November 3, 2022

MEETING NOTICE

City Council has scheduled the following meetings for **Monday, November 7, 2022**, 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** will meet to discuss Ordinance Nos. 2022-122 and 2022-123.

Public Safety & Health will meet to discuss Resolution Nos. 2022-157 and 2022-158.

Finance Committee will meet to discuss Ordinance Nos. 2022-159, 2022-160, 2022-161 & 2022-162.

Recreation & Community Services Committee will meet to discuss Ordinance No. 2022-163 and Resolution Nos. 2022-164 and 2022-165.

Building & Utilities will meet to discuss Ordinance No. 2022-166.

Communications & Technology will meet to discuss Ordinance No. 2022-167.

8:00 P.M. **Regular Council Meeting**

Any other matters that may properly come before this Council may also be discussed.

BY ORDER OF THE COUNCIL:

Aimee Pientka, MMC
Clerk of Council

STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 7, 2022 AT 8:00 P.M.
Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - *Regular Council Meeting – Monday, October 17, 2022*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
 - Proclamation presented by Mayor Perciak in support of Ukraine.
7. PUBLIC HEARING:
 - Ordinance No. 2022-122 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 1252.15, 1252.16 AND 1252.18 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ACCESSORY BUILDINGS AND PROJECTIONS INTO YARDS IN RESIDENTIAL DISTRICTS. *First reading and referred to the Planning Commission 09-06-22. Favorable recommendation by the Planning Commission 09-08-22. Second reading 09-19-22. Public hearing 11-07-22.*
 - Ordinance No. 2022-123 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 17406 ROYALTON ROAD (PPN 396-12-028) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 09-06-22. Favorable recommendation by the Planning Commission 09-08-22. Second reading 09-19-22. Public hearing 11-7-22.*
8. 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

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

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

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2022-122 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 1252.15, 1252.16 AND 1252.18 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ACCESSORY BUILDINGS AND PROJECTIONS INTO YARDS IN RESIDENTIAL DISTRICTS. *First reading and referred to the Planning Commission 09-06-22. Favorable recommendation by the Planning Commission 09-08-22. Second reading 09-19-22. Public hearing 11-07-22.*
- Ordinance No. 2022-123 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 17406 ROYALTON ROAD (PPN 396-12-028) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 09-06-22. Favorable recommendation by the Planning Commission 09-08-22. Second reading 09-19-22. Public hearing 11-7-22.*
- Resolution No. 2022-157 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR A COMPRESSED AIR FILL STATION AND RELATED EQUIPMENT FOR USE BY THE CITY OF STRONGSVILLE FIRE AND EMERGENCY SERVICES DEPARTMENT.
- Resolution No. 2022-158 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING THE DONATION OF FITNESS EQUIPMENT AND RELATED APPURTENANCES TO THE CITY OF STRONGSVILLE, FOR USE BY THE CITY'S FIRE DEPARTMENT AND DISPATCH CENTER.

- Ordinance No. 2022-159 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING AN AUTOZONE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
- Ordinance No. 2022-160 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A CCL MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
- Ordinance No. 2022-161 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A LITEHOUSE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
- Ordinance No. 2022-162 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A SCHAEFFLER MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
- Ordinance No. 2022-163 by Mayor Perciak and All Members of Council. AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE RENTAL OF A MAILING METER SYSTEM, INCLUDING RELATED APPURTENANCES, FOR USE BY THE CITY'S RECREATION DEPARTMENT; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.
- Resolution No. 2022-164 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE STRONGSVILLE ROTARY FOUNDATION TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

- Resolution No. 2022-165 by Mayor Perciak and All Members of Council. A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE STRONGSVILLE CITY CLUB TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.
- Ordinance No. 2022-166 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO EMPLOY SPECIAL LEGAL COUNSEL AND ENTER INTO A RETAINER AGREEMENT FOR PROFESSIONAL SERVICES TO THE CITY OF STRONGSVILLE IN CONNECTION WITH MATTERS RELATING TO THE ABATEMENT OF NUISANCE PROPERTIES IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.
- Ordinance No. 2022-167 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE SOUTHWEST REGIONAL COMMUNICATIONS NETWORK COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF ROUTINE MAINTENANCE, REPAIRS AND OTHER SERVICES REQUIRED FOR THE ONGOING GENERAL RADIO NEEDS OF THE CITY OF STRONGSVILLE DURING 2022, AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

*Application for Permit: **TRFL-D5-D6**: To: Chipotle Mexican Grill of Colorado LLC
DBA: Chipotle, 17090 Royalton Road, Strongsville, Ohio 44136 (Responses must be postmarked no later than 11/14/22).*

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 122

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTIONS 1252.15, 1252.16 and 1252.18 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ACCESSORY BUILDINGS AND PROJECTIONS INTO YARDS IN RESIDENTIAL DISTRICTS.

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

Section 1. That Section 1252.15 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in part as follows:

**CHAPTER 1252
Residential Districts**

* * *

1252.15 YARDS FOR ACCESSORY BUILDINGS AND USES.

Any accessory use permitted in a residential district may either occupy a part of the main building, occupy a separate accessory building, **occupy an unenclosed structure**, or constitute an accessory land use. ~~A separate accessory building~~, other than a private garage, **and unenclosed structures that are capable of being occupied**, shall comply with the following schedule:

Land Area of Accessory Building Lot (Sq. Ft.)	Accessory Building and Unenclosed Structure Size/Location		
	Maximum Permitted Accessory Building (Sq. Ft.)	Maximum Permitted Unenclosed Structure (Sq. Ft.)	Minimum Setback From Rear/Side Lot in Feet
Less than 34,000	192	200	5
Between 34,000 and less than 43,560	323	320	5
Between 43,560 and less than 87,120	400	400	5
Between 87,120 and less than 130,680	480	400	5
Between 130,680 and less than 174,240	576	600	10
Between 174,240 and less than 217,800	720	600	10
Between 217,800 and less than 261,360	800	800	10
Between 261,360 and less than 304,920	862	800	10
Between 304,920 and less than 348,480	915	1200	15
Between 348,480 and less than 392,040	1,045	1200	15
Between 392,040 and less than 435,600	1,176	1200	15
Equal to or greater than 435,600	1,307	1200	15

- (a) Accessory Building Location in ER, R1-125, R1-100 and R1-75 Districts. Any accessory building or detached private garage shall not be located within twenty (20) feet of the main building and shall not be located within twenty (20) feet of any dwelling on an adjacent residential lot, provided, however, that unenclosed accessory structures, such as gazebos, pergolas and trellises, may be located within twenty (20) feet of the dwelling to which they are accessory. Any accessory building or detached private garage shall not project into a front or into a side yard. An accessory building or private garage may, however, be located in a rear yard but no closer to the rear or side lot line as set forth in the Schedule in 1252.15.
- On corner lots, an accessory building shall be set back from the side street line not less than the required setback for the adjacent main building of the butt lot plus an additional five feet.
- Accessory buildings shall not be permitted in OF-C and RT-C Districts as an accessory use to a cluster or townhouse dwelling in a cluster development.
- ~~(Ord. 2019-154, Passed 11-18-19.)~~

* * *

Section 2. That Sections 1252.16 and 1252.18 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and are hereby amended to read in their entirety as follows:

1252.16 PROJECTIONS INTO YARDS.

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

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

~~required side yard setback as established for the main building,~~
and is set back not less than five (5) feet from any side or rear lot line, and does not encroach into any easement.

- (2) On a lot with a one-family cluster or a townhouse dwelling, an unenclosed patio or deck may project ~~up to fourteen feet~~ into a required rear yard provided such deck or patio is set back not less than ten (10) feet from the rear lot line, and does not encroach into an easement, and thirty-five (35) feet from any adjoining side or rear lot line of any single family dwelling lot and does not encroach into any easement; except that, if the Planning Commission has approved the location and arrangement of unenclosed patios or decks for the cluster or townhouse area in conjunction with the approval of the detailed site plan of such area, then such approval shall govern.

- (f) **Maximum Impervious Area. The aggregate area of decks, shelters, patios, sheds, and other features with impervious surfaces shall not cover more than fifty percent (50%) of any designated rear yard area.**
~~(Ord. 2018-103. Passed 9-4-18.)~~

* * *

1252.18 BUILDINGS PERMITTED ON ZONING LOT.

There shall be not more than one, one-family or one, two-family dwelling permitted on a zoning lot. There may be more than one townhouse, cluster dwelling or apartment building on a zoning lot. In addition, there may be one accessory building, **one unenclosed accessory structure that is capable of being occupied**, and one garage on the same zoning lot with a main building provided such accessory building, **unenclosed accessory structure**, and garage are constructed subsequent to the main building and remain only as long as the main building remains.

No one-family or two-family dwelling shall be located to the rear of any building on the same lot or on another lot which does not have the required frontage on a dedicated street. However, a group of apartment, townhouse or cluster buildings may be arranged in groups and not directly front on a dedicated street.

~~(Ord. 2012-085. Passed 9-17-12.)~~

* * *

Section 3. That in case of conflict between any provision of this Ordinance and any other ordinance or resolution, or part thereof, the provisions of this Ordinance shall prevail and apply, unless a conflicting provision is deemed to be more restrictive.

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 shall take effect and be in force from and after the earliest period allowed by law.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2022 - 122
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First reading: September 6, 2022
Second reading: September 19, 2022
Third reading: _____
Public Hearing: November 7, 2022

Referred to Planning Commission

September 7, 2022
Favorable recommendation by
Approved: Planning Commission
September 8, 2022

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

Ord. No. 2022-122 Amended: _____
1st Rdg. 09-06-22 Ref: PC/PCE
2nd Rdg. 09-19-22 Ref: PCE
3rd Rdg. _____ Ref: _____

Public Hrg. 11/7/22 Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: September 7, 2022

SUBJECT: Referral from Council: Ordinance Nos. 2022-122 and 2022-123.

At its regular meeting of September 6, 2022, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2022-122 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 1252.15, 1252.16 AND 1252.18 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ACCESSORY BUILDINGS AND PROJECTIONS INTO YARDS IN RESIDENTIAL DISTRICTS.

- Ordinance No. 2022-123 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 17406 ROYALTON ROAD (PPN 396-12-028) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

AKP
Attachments

MEMORANDUM

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

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: September 9, 2022

Please be advised that at its meeting of September 8, 2022, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE 2022-123:

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 17406 Royalton Road (PPN 396-12-028) in the City of Strongsville from PF (Public Facility) Classification to GB (General Business) Classification.

ORDINANCE 2002-122:

An Ordinance Amending Sections 1252.15, 1252.16 and 1252.18 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Accessory Buildings and Projections into yards in Residential Districts.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 123

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 17406 ROYALTON ROAD (PPN 396-12-028) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) 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 17406 Royalton Road (PPN 396-12-028), in the City of Strongsville, from PF (Public Facilities) classification to GB (General Business) 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, and 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: September 6, 2022 Referred to Planning Commission

Second reading: September 19, 2022 September 7, 2022

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2022 - 123
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Third reading: _____

Public Hearing: November 7, 2022

Favorable recommendation
Approved: by Planning Commission
September 8, 2022

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

Ord. No. 2022-123 Amended: _____
1st Rdg. 09-06-22 Ref: PC / P2E
2nd Rdg. 09-19-22 Ref: P2E
3rd Rdg. _____ Ref: _____

Public Hrg. 11/7/22 Ref: _____
Adopted: _____ Defeated: _____

LEGAL DESCRIPTION

The land referred to herein below is situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and is described as follows:

And known as being part of original Strongsville Township Lot No. 46 and bounded and described as follows:

Beginning at the intersection of the center lines of Royalton Road, 80 feet wide, and Fallingwater Road, 100 feet wide:

Thence south $87^{\circ} 36' 49''$ west, along the center line of Royalton Road 297.39 feet to a point;

Thence North $0^{\circ} 18' 41''$ west, 40.03 feet to a point on the northerly side of Royalton Road, and the place of beginning;

Thence North $0^{\circ} 18' 41''$ west, along the easterly line of land conveyed to Walter Macharzewski and A.M. Macharzewski by deed dated August 7, 1952 and recorded in Volume 7612, Page 717 of Cuyahoga County Records, 259.97 feet to a point;

Thence South $87^{\circ} 36' 49''$ west, along the northerly line of land so conveyed to Walter Macharzewski and A.M. Macharzewski, 100.00 feet to a point;

Thence North $0^{\circ} 18' 41''$ west, along an easterly line of land conveyed to Alfred W. Hinchcliff by deed dated November 1, 1943 and recorded in Volume 5639, Page 372 of the Cuyahoga County Records, 134.72 feet to a point;

Thence North $89^{\circ} 41' 19''$ east, 349.17 feet to a point on the westerly line of Fallingwater Road;

Thence by the arc of a curve deflecting to the left, and along the westerly line of Fallingwater Road, and having a radius of 1585.49 feet, an arc distance of 80.38 feet, and a chord distance of 80.35 feet, which bears South $1^{\circ} 08' 26''$ west, to a point;

Then South $0^{\circ} 18' 41''$ east, along the westerly line of Fallingwater Road, 301.79 feet to a point on the northerly line of Royalton Road;

Thence South $87^{\circ} 36' 49''$ west, along the northerly line of Royalton Road, 247.36 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting therefrom the following described premises:

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

And known as being part of original Strongsville Township Lot No. 46, Town 5 North, Range 14 West, and bounded and described as follows:

EXHIBIT A

Parcel No. 61 WD

Being a parcel of land lying on the northerly side of Royalton Road (S.R. 82) of the center line of a survey, made for the Department of Transportation, and recorded in Book _____, Page _____, of the Records of Cuyahoga County, and being located within the following described points in the boundary thereof; beginning at an iron pin in the center line of S.R. 82, said iron pin being station 70+04.12;

Thence south $88^{\circ} 46' 41''$ west, along the center line of S.R. 82, a distance of 1348.23 feet to a point, said point being station 56+55.89;

Thence north $01^{\circ} 13' 19''$ west, along a line perpendicular to the center line of S.R. 82, a distance of 40.00 feet to a point of curvature, and the true place of beginning;

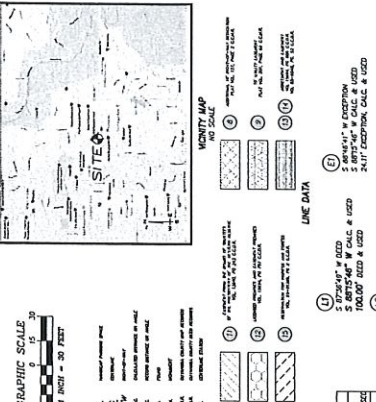
Thence northeasterly, along the arc of a curve which bears to the left, ($\Delta=87^{\circ} 55' 30''$, Radius = 25.00, Tangent = 24.11 feet, Chord = 34.71 feet, bearing north $44^{\circ} 48' 56''$ east), a distance of 38.36 feet;

Thence south $00^{\circ} 51' 11''$ west, along the existing westerly right-of-way line of Fallingwater Road, a distance of 24.11 feet;

Thence south $88^{\circ} 46' 41''$ west, along the existing northerly right-of-way line of S.R. 82, a distance of 24.11 feet, to the true place of beginning, and containing 123 square feet of land.

EXHIBIT B

ALZA / NSSS LAND TITLE SURVEY
17406 ROYALTON ROAD
CITY OF STRONGSVILLE
COUNTY OF CUYAHOGA - STATE OF OHIO
McSTEEN LAND SURVEYORS INC.



- REMARKS: RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE OF PLAT...
1. REMARKS, RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE OF PLAT...

Table with columns: BEARING, DISTANCE, CORNER, PLAT, DEED, etc. containing survey data points.

LEGAL DESCRIPTION
THE SURVEYED PROPERTY IS SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, STATE OF OHIO, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS...

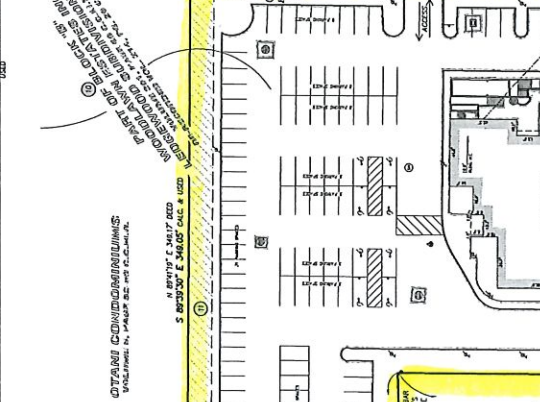
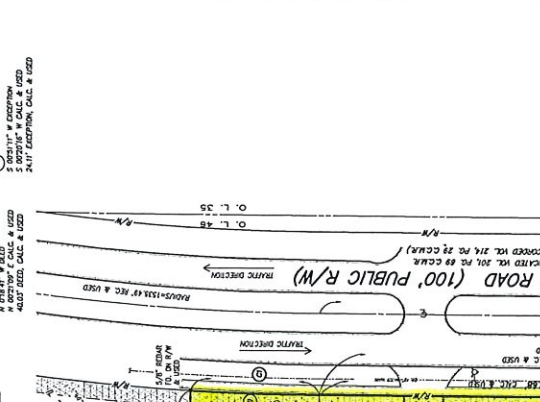


Table with columns: BEARING, DISTANCE, CORNER, PLAT, DEED, etc. containing survey data points.

- REMARKS: RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE OF PLAT...
1. REMARKS, RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE...

LEGAL DESCRIPTION
THE SURVEYED PROPERTY IS SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, STATE OF OHIO, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS...

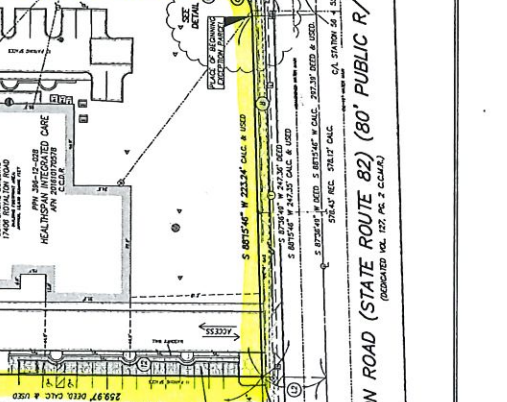
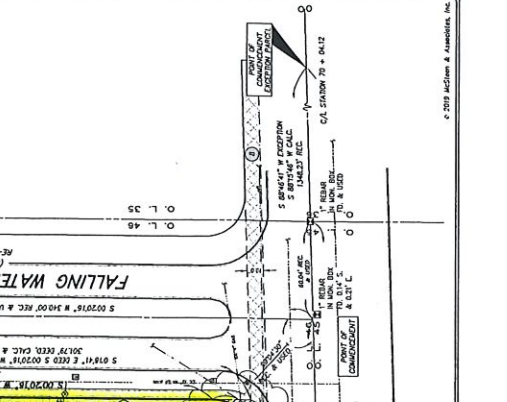


Table with columns: BEARING, DISTANCE, CORNER, PLAT, DEED, etc. containing survey data points.

- REMARKS: RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE OF PLAT...
1. REMARKS, RESTRICTIONS, COMMENTS, ENCUMBRANCES AND OTHER CONDITIONS AS SET FORTH ON THE DESCRIPTION PAGE...

PETITION FOR ZONING

Ordinance Number: 2022-123

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

I the undersigned owner of the property set above my name on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class PF use to a class GB use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: the Public Facilities zoning district, in which the Property is located, is overly restrictive in the types of permitted and conditional uses allowed therein especially when considering the types of uses allowed and benefits enjoyed in the commercial and business districts surrounding this Property, and has, in effect, made leasing the Property extremely challenging, which is further evidenced by the fact that only 50% of the building located on the Property is currently under lease.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: the Property is already located on one of the biggest, most heavily traveled roads in the City of Strongsville where many businesses are situated and its location, with the exception of the multi-family residential zoning district to the north (RMF-1), is already located among other commercial zoning districts, such as Restaurant Recreational Service (R-RS), Shopping Center (SC), Office Building (OB), and General Business (GB).

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

1. Limited Warranty Deed of the Property, Instrument Number 202001080704
2. ALTA Survey dated May 2, 2019, certified by Robert A. Dorner, Registered Professional Surveyor, from McSteen Land Surveyors.
3. Certified list of titled property owners of record within a 500-foot radius of the Property.

THE PROPOSED USE OF THE PROPERTY IS: Professional office space, all personal service establishments, and other permitted or conditional uses allowed in the GB district.

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

PETITION FOR ZONING

Ordinance Number: 2022-123

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

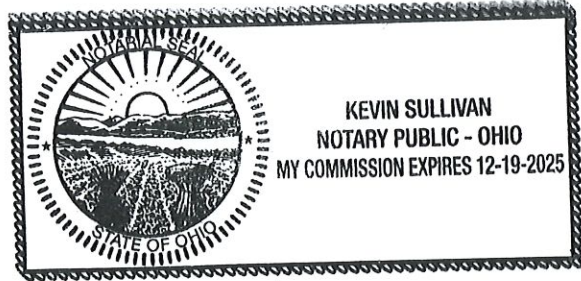
Name: Jason Sheiban, Managing Member of Property Owner, SP-JS1 LLC

Address: 17406 North Royalton Road, Strongsville, Ohio 44136

Telephone Number: (440) 666-6536

[Handwritten Signature]

Signature of Owner
Jason Sheiban, Managing Member of SP-JS1 LLC



State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 28th day of July, 2022.
Kevin Sullivan
Notary Public

My commission expires: 12/19/2025

* 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: 2022-123

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

Address of Property: 17406 North Royalton Road, Strongsville, Ohio 44136

Permanent Parcel No. 396-12-028

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) North Royalton Road to the south of the property; Falling Water Road to the east of the Property (no immediate streets or roads to the north or west of the Property).

Number and type of buildings which now occupy property (if any): One (1) brick building

Acreage: 2.668 acres

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): No deed restrictions

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

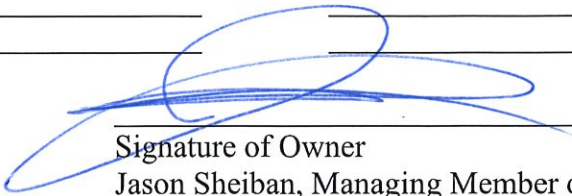
Said property is presently under lease or otherwise encumbered as follows: _____
There are two (2) leases on the Property: (1) NOBC II LLC; and (2) Quick Med Urgent Care LLC.

* 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

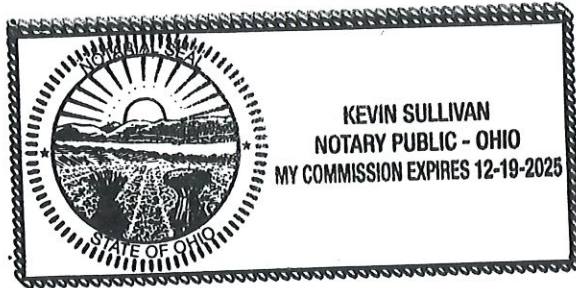
Ordinance Number: 2022-123

Owner(s)	Percent of Ownership:
1. <u>SP-JS1, LLC</u>	<u>100%</u>
2. _____	_____
3. _____	_____



Signature of Owner
Jason Sheiban, Managing Member of SP-JS1 LLC

State of Ohio)
County of Cuyahoga)



Sworn to and subscribed to in my presence this 28th day of July, 2022.

Notary Public 
My commission expires 12-19-2025

* 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: August 1, 2022

SUBJECT: Rezoning Application
Owner: SP-JS1 LLC, Jason Sheiban, Managing Member
PPN: 396-12-028
Address: 17406 Royalton Road
From: Public Facility (PF) to General Business (GB)

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
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Brill, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: August 8, 2022

Re: Rezoning Application
PPN 396-12-028
PF to GB

Neal,

The attached legal description and exhibit accurately depict the above referenced parcel to be rezoned.

This legal description is to replace the one included in the Clerk of Council's August 1, 2022 memo.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: September 7, 2022

SUBJECT: Referral from Council: Ordinance Nos. 2022-122 and 2022-123.

At its regular meeting of September 6, 2022, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2022-122 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 1252.15, 1252.16 AND 1252.18 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING ACCESSORY BUILDINGS AND PROJECTIONS INTO YARDS IN RESIDENTIAL DISTRICTS.
- Ordinance No. 2022-123 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 17406 ROYALTON ROAD (PPN 396-12-028) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

AKP
Attachments

MEMORANDUM

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

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: September 9, 2022

Please be advised that at its meeting of September 8, 2022, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE 2022-123:

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 17406 Royalton Road (PPN 396-12-028) in the City of Strongsville from PF (Public Facility) Classification to GB (General Business) Classification.

ORDINANCE 2002-122:

An Ordinance Amending Sections 1252.15, 1252.16 and 1252.18 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Accessory Buildings and Projections into yards in Residential Districts.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2022 – 157

By: Mayor Perciak and All Members of Council

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR A COMPRESSED AIR FILL STATION AND RELATED EQUIPMENT FOR USE BY THE CITY OF STRONGSVILLE FIRE AND EMERGENCY SERVICES DEPARTMENT.

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

Section 1. That the Mayor be and is hereby authorized and directed to advertise for bids for a compressed air fill station and related equipment for use by the City's Fire & Emergency Services Department, in accordance with specifications on file in the office of the Fire Chief, which are in all respects hereby approved.

Section 2. That the funds for the purpose of this Resolution have been appropriated and shall be paid from the Fire Levy Fund.

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

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

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

Kes
Ord. No. 2022-157 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2022 – 158

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING THE DONATION OF FITNESS EQUIPMENT AND RELATED APPURTENANCES TO THE CITY OF STRONGSVILLE, FOR USE BY THE CITY'S FIRE DEPARTMENT AND DISPATCH CENTER.

WHEREAS, all City of Strongsville safety forces are committed to excellence in proudly serving this community and, therefore, are continually striving to stay healthy and fit for duty; and

WHEREAS, Planet Fitness is donating five (5) Life Fitness elliptical machines and one (1) Life Fitness Synergy 360 Multi-Station Fitness unit and related appurtenances for use by the Fire Department and the City's Dispatch Center for wellness and fitness purposes; and

WHEREAS, such equipment, as reflected on the attached Exhibit A, is worth approximately \$17,500.00; and

WHEREAS, the City is desirous of accepting such generous donation.

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 graciously accepts the above donation from Planet Fitness, and along with Mayor Perciak, expresses the City's appreciation for such fitness equipment for use by the City's Fire Department and Dispatch Center.

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

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

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2022 – 158
Page 2

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

Attest: _____
Clerk of Council

Res. 2022-158
Ord. No. _____ Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

October 28, 2022

Chief Jack Draves
Strongsville Fire and Emergency Services
17000 Prospect Road
Strongsville, OH 44149

Dear Chief Draves:

Planet Fitness Strongsville is currently remodeling our facility and upgrading certain aerobic and fitness equipment. We would like to donate the following pieces of equipment that we no longer need to the City of Strongsville Safety Departments.

1. Five (5) Life Fitness Elliptical Machines, Model CLSX
 - a. Each one is approximately valued at \$2,000
2. One (1) Life Fitness Synrgy 360 Multi-Station Fitness Equipment
 - a. The unit is approximately valued at \$7,500

Sincerely,

Mark Campbell
Maintenance Manager
Planet Fitness
phone: 717.968.4981
email: mcampbell@nfpfit.com

EXHIBIT A

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 159

By: Mayor Perciak and All Members of Council

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

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

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

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

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

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

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

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

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

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

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

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

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

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

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

Ord. No. 2022-159 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

**EXHIBIT A
THE PROPERTY**

**CITY OF STRONGSVILLE
AUTOZONE TIF Parcel Number**

392-33-093

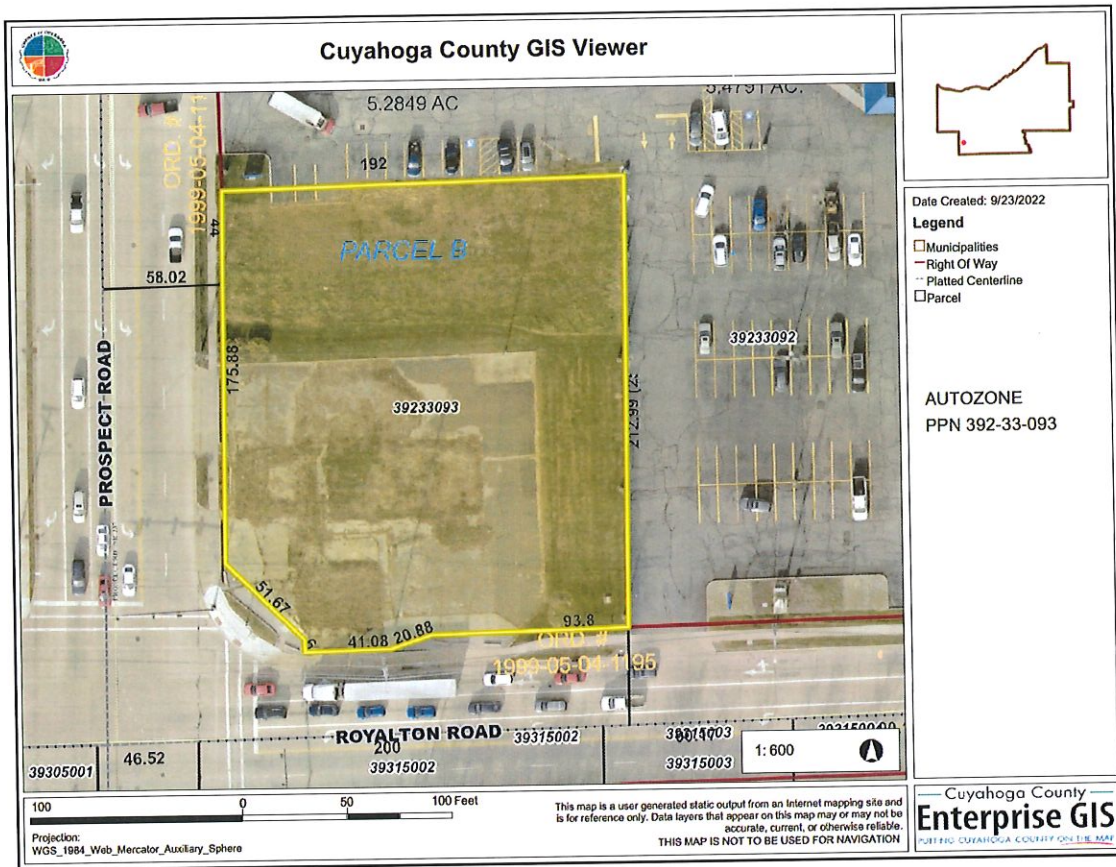


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of

- (i) the widening of and other improvements to Royalton Road from terminus to terminus and including the intersection of Prospect Road, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (ii) the widening of and other improvements to Prospect Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, and
- (iii) the widening of and other improvements to Pearl Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 160

By: Mayor Perciak and All Members of Council

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

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

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

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

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

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

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

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

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

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

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

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

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

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

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

Ord. No. 2022-160 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

EXHIBIT A
THE PROPERTY

CITY OF STRONGSVILLE
CCL TIF Parcel Number

394-09-004

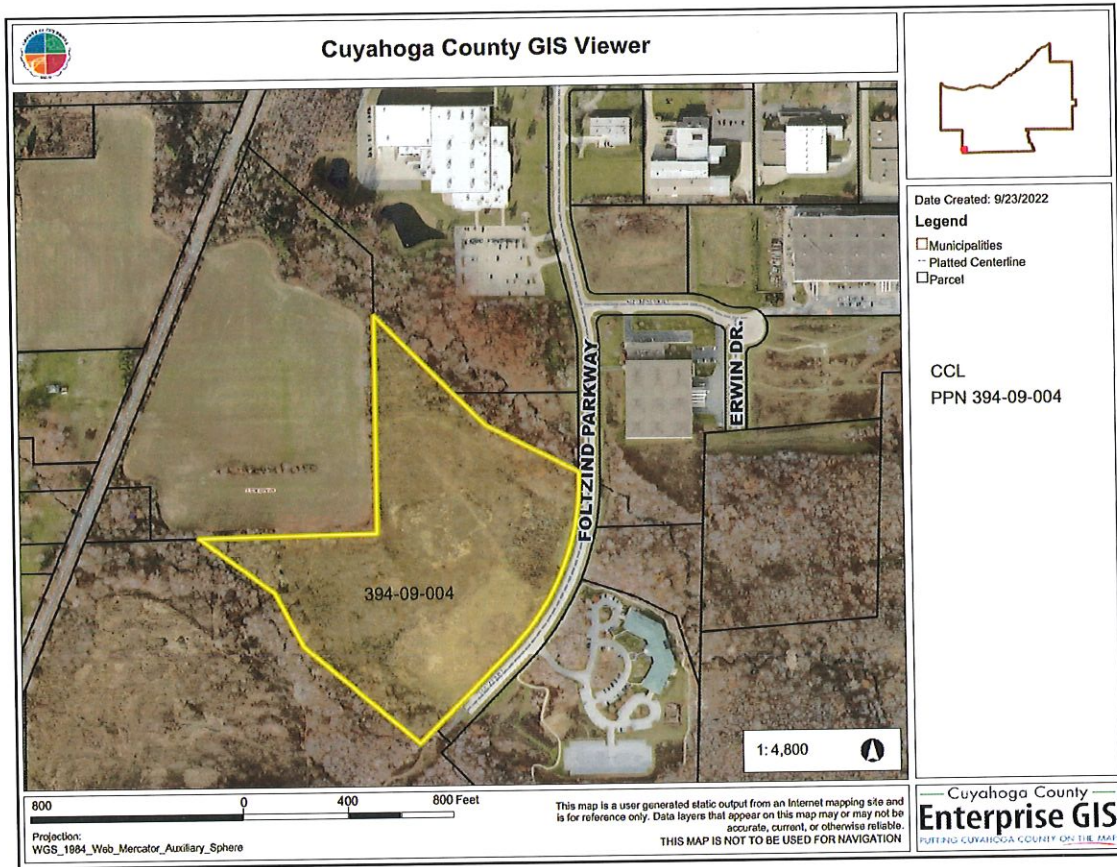


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of

- (i) the widening of and other improvements to Foltz Parkway from terminus to terminus and including the intersection of Royalton Road, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (ii) the widening of and other improvements to Royalton Road from terminus to terminus and including the intersection at Foltz Parkway, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (iii) the widening of and other improvements to Prospect Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, and
- (iv) the widening of and other improvements to Drake Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 161

By: Mayor Perciak and All Members of Council

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

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

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

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

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

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

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

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

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

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

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

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

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

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

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

Ord. No. 2022-161 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

EXHIBIT A
THE PROPERTY

CITY OF STRONGSVILLE
LITEHOUSE TIF Parcel Number

392-20-007

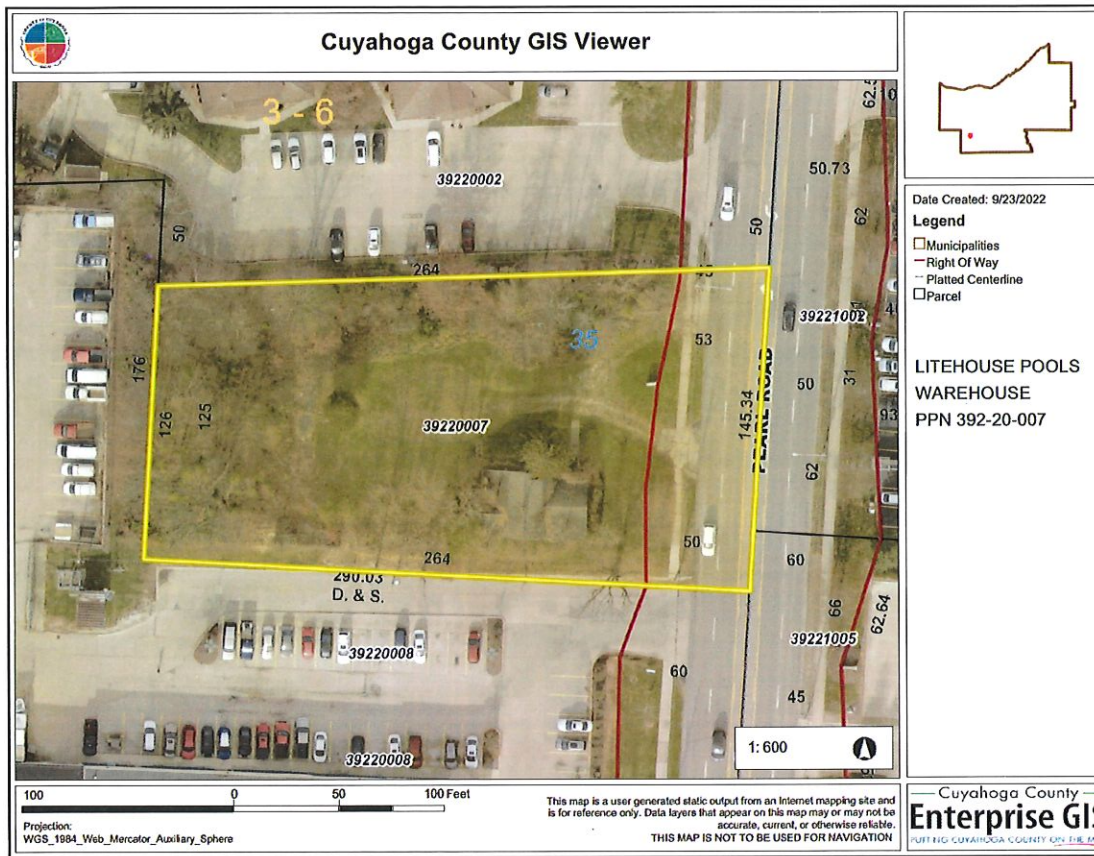


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of

- (i) the widening of and other improvements to Pearl Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (ii) the widening of and other improvements to Royalton Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, and
- (iii) the widening of and other improvements to Albion Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 162

By: Mayor Perciak and All Members of Council

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

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

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

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

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

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

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

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

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

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

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

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

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

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

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

Ord. No. 2022-162 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

EXHIBIT A
THE PROPERTY

CITY OF STRONGSVILLE
SCHAEFFLER TIF Parcel Number

393-03-013

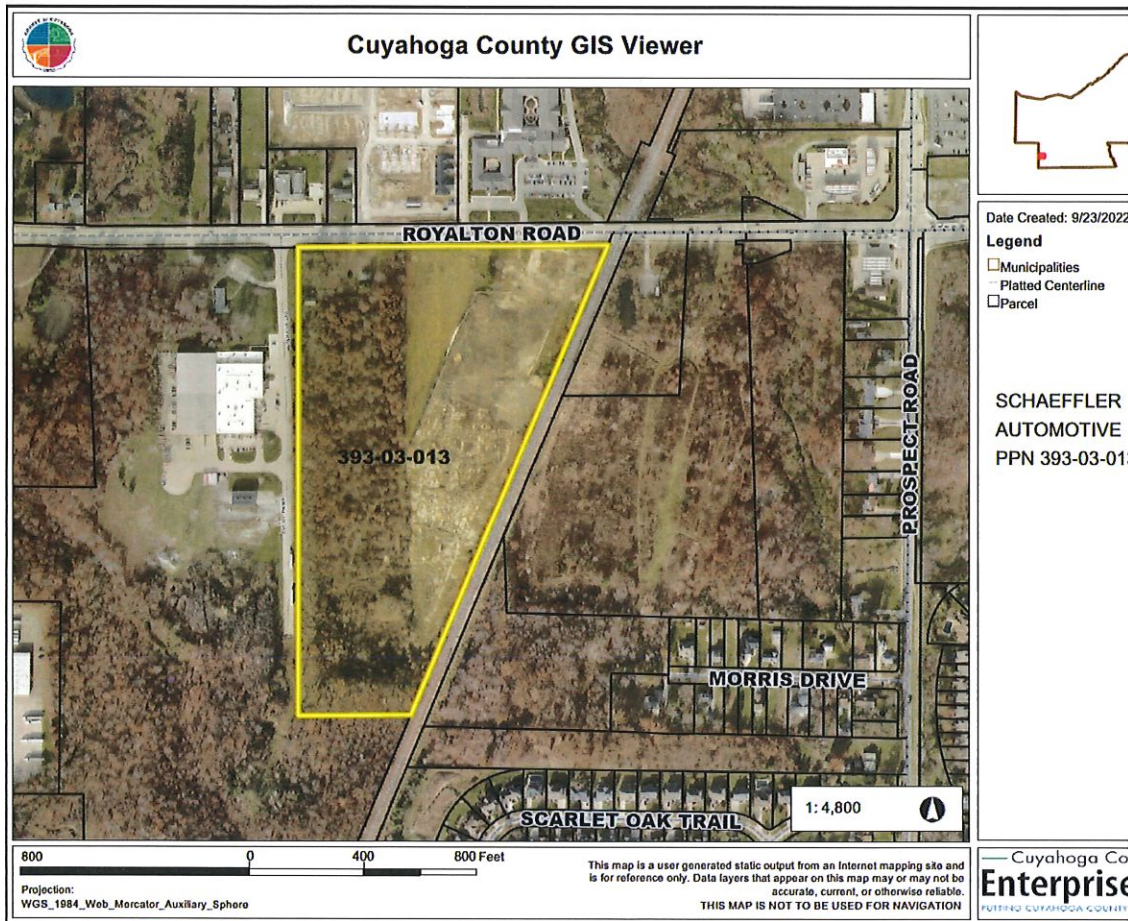


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of

- (i) the widening of and other improvements to Avery Parkway from terminus to terminus and including the intersection of Royalton Road, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (ii) the widening of and other improvements to Royalton Road from terminus to terminus and including the intersection at Avery Parkway, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements,
- (iii) the widening of and other improvements to Prospect Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements, and
- (iv) the widening of and other improvements to Drake Road from terminus to terminus, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 163

By: Mayor Perciak and All Members of Council

AN ORDINANCE REQUESTING PARTICIPATION IN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACTS FOR THE RENTAL OF A MAILING METER SYSTEM, INCLUDING RELATED APPURTENANCES, FOR USE BY THE CITY'S RECREATION DEPARTMENT; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO DO ALL THINGS NECESSARY TO ENTER INTO AN AGREEMENT IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of the Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, based upon recommendation of the City's Director of Recreation & Senior Services, this Council wishes to take advantage of that opportunity in connection with the rental of one (1) Mailing Meter System, including appurtenances, under Schedule No. RS902318, Index No. GPC016, for use by the Recreation Department.

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 request authority in the name of the City of Strongsville to participate in the Ohio Department of Administrative Services contracts which the Department has entered into pursuant to Revised Code Section 5513.01(B) with **QUADIENT LEASING USA, INC.** for rental, through a 60-month Lease Schedule Agreement, of a Mailing Meter System, with appurtenances, for use by the Recreation Department in the amounts set forth on the proposed Lease Schedule Agreement, in the form attached hereto as Exhibit "1" and incorporated herein by reference.

Section 2. That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchase and to directly pay the vendor, under such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.

Section 3. That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreement and documents as may be necessary to participate in the Ohio Department of Administrative Services Cooperative Purchasing Program.

Section 4. That the funds for the purpose of such contract have been appropriated for 2022 and shall be paid for each year from the Multi-Purpose Complex Fund; and the Director of Finance be and is hereby authorized and directed to issue the City's warrants in accordance with the terms and conditions of such rental agreement.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 163

Page 2

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

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to participate in the rental of such mailing system and appurtenances in order to upgrade City technology capabilities, maintain continuity and improve the operation and efficiency of the Recreation Department of the City, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

Ord. No. 2022-163 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

Exhibit A

LEASE SCHEDULE No. **Quadient Lease # once booked TO MASTER LEASING AGREEMENT**
(the "Master Leasing Agreement")

True Lease Transaction

UNDER STATE TERM SCHEDULE NUMBER GPC016 RS902318

1. **Terms and Provisions:** This Lease Schedule is entered into by and between the Lessor and the Lessee set forth below pursuant to the terms of the Master Leasing Agreement, dated 10/11/2017, between Quadient Inc, as Lessor, and the State of Ohio, by the Department of Administrative Services, for the Lessee. The terms of the MASTER LEASING AGREEMENT are hereby incorporated by reference and made a part hereof. The Lessee (check appropriate box) and billing address of Lessee (complete) are set forth below:

An Ohio State agency. The Lessee is the Ohio State agency set forth with the billing address below.

A Political Subdivision in the State of Ohio. The name of the Political Subdivision is set forth below with the billing address.

Name and Billing Address: City of Strongsville
Recreation Department
18100 Royalton Rd
Strongsville, OH 44136

2. **Commencement Date** of this Lease Schedule shall be: a) the Acceptance Date as identified on the Acceptance Certificate (Exhibit B) hereto if such date is the first day of a month; or b) the first day of the month following the Acceptance Date if such date is not the first day of a month. The Lease Payment due dates shall include the Commencement Date and shall be on the first day of each month thereafter.

3. **Description of the Property:** The Property subject to this Lease Schedule is set forth below and has been acquired pursuant to the State Term Schedule GPC016 RS902318 currently in existence between Quadient Inc and the State of Ohio, dated 10/11/17.

Item No.	Quantity	Style	Description
1			See attached PO for part numbers
2			
3 etc.			

Property Location:
18100 Royalton Rd. Strongsville, OH 44136

4. **Term:** 60 months.

5. **Periodic Lease Payment Amount:** \$808.02

6. **Lease Payment Frequency:** Quarterly [monthly, quarterly, annually]

7. **Expiration:** Lessor shall not be obligated to maintain the stated Payment Amount if the Certificate of Acceptance covering the Property has not been executed by Lessee and received by Lessor at: _____; by 5:00 p.m., _____.

8. **Taxes.** Lessee shall keep the Property free of all levies, liens and encumbrances, except for the interest of Lessor under the Master Leasing Agreement, and shall pay when due all, to the extent applicable by law, taxes, fees, withholdings, levies, imposts, duties, assessments and charges of any kind and nature arising out of or related to the Master Leasing Agreement all in accordance with Section 11 of the Master Leasing Agreement. Upon receipt by Lessor of any such property tax bill (whether from Lessee or directly from the taxing authority), Lessor will pay such tax and will invoice Lessee for the expense. Upon receipt of such invoice, Lessee will promptly reimburse Lessor for such expense.

9. **Assignment:** As provided in Section 24 of the Master Financing Agreement, Lessee is hereby notified that Lessor has assigned all of its right, title and interest in the Lease Schedule, the Property thereunder and the Lease Payments thereunder and all other rights in and amounts provided for under the Master Financing Agreement applicable to the Lease Schedule to the Assignee (collectively the "Assigned Interest"). Lessee is hereby directed to pay any and all Lease Payments and other amounts due with respect to which Assignee renders an invoice, at the address set out immediately below or as otherwise directed in said invoice:

Customer

Organization	City of Strongsville - Recreation Center		
DBA	Recreation Department		
Address	18100 Royalton Rd		
City State Zip	Strongsville	OH	44136
Phone	(440) 580-3261	Fax	

Purchase Order - Lease

NASPO/ValuePoint Contract #: ADSP016-169901
and / or
State Participating Addendum (PA) #:
#GPC016 RS902318 (OH)

Vendor

Company Name	Quadient Leasing USA Inc. FEDERAL ID# 94-2984524		
Attention	Government Sales	DUNS# 150836872	
Address	478 Wheelers Farms Rd		
City State Zip	Milford	CT	06461
Phone	(866) 448-0045	Fax	(203) 301-2600

Ship To

Organization	Strongsville Recreation Center		
Attention	Jennifer Black		
Address	18100 Royalton Rd.		
City State Zip	Strongsville	OH	44136
Phone	(440) 580-3261	Email	jennifer.black@strongsville.org

P.O. Number	P.O. Date	Requisitioner	Shipped Via	F.O.B. Point	Terms
			Ground	Destination	Quarterly Invoicing

QTY	Unit	Description	Unit Price	Total
60	Months	Lease Payment	\$269.34	\$16,160.40

Lease payment specified above for products listed below includes, as applicable, reduced price equipment maintenance to reflect first year free, meter rental, meter resets, postal rate changes, software license/support/subscription fees, delivery, installation, and operator training.

Products

QTY	Product ID	Description
1	IX5AF	iX-5 Series Base w/ Autofeeder, Sealer, Catch Tray & Ink Cartridge
1	IXWP5	iX Series 5 lb Weighing Platform
1	PF60	PF-60 Document Folder plus Daily Mail Feeder

- Order is governed under the terms and conditions of the NASPO/ValuePoint Master Price Agreement Contract Number ADSP016-169901. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
- Payments will be sent to:
Quadient Leasing USA Inc.
Dept 3682
PO Box 123682
Dallas TX 75312-3682
- Send all correspondence to:
Quadient Leasing USA Inc.
478 Wheelers Farms Rd
Milford CT 06461

Authorized by

Date

Thomas P. Perciak, Mayor

Print Name

Title

Exhibit F
INSURANCE REQUIREMENTS

RE: Property Schedule No. Quadient lease number once booked between City of Strongsville – Recreation Center (Lessee) and Quadient Inc. (Lessor), entered into pursuant to Master Leasing Agreement, dated 10/11/2017, between the State of Ohio, by the Department of Administrative Services and Quadient Inc (Lessor)

 X Per Section 18 of the Master Leasing Agreement, Lessor agrees that Lessee will self-fund replacement of the equipment in the event of a loss/damage to the equipment.

 Per Section 18 of the Master Leasing Agreement, Lessor WILL require Lessee to maintain insurance on the Property subject to Property Schedule No. (*Quadient lease number once booked*) in the amounts shown below. A Certificate of Insurance from your insurer is required.

The Certificate should state that in the event the insurance coverage is reduced or cancelled, then 30 days prior to the effect of such event, the insurer will inform Quadient Inc. and its assigns of such reduction or cancellation in writing.

Lessor: Quadient Inc.	Lessee: City of Strongsville – Recreation Center
By:	By:
Printed Name:	Printed Name: Thomas P. Perciak
Title:	Title: Mayor
Date:	Date:



Quadiant Postage Funding Enrollment with Agreement

Receive a monthly Quadiant Postage Funding invoice and pay on your regular accounting schedule.

- Refill your postage meter as often as you need
- Postage available immediately
- Never run short of postage
- One monthly statement, one monthly payment
- 24/7 online account management tools

Customer Information

Company Name City of Strongsville - Recreation Center
Contact Name Jennifer Black
Mailing Address 18100 Royalton Rd
City, St., Zip Strongsville, OH 44136

Account Information

POC Account #
Quadiant Postage Funding Plan Advantage PLUS
Quadiant Postage Funding Account Limit \$4,000
Quadiant Postage Funding Total Limit \$8,500

Yes, please enroll me in Quadiant Postage Funding. I acknowledge that I have received, read and agree to all applicable terms and conditions of the Quadiant Postage Funding Account Agreement on the following pages, and that I am authorized to sign the agreements on behalf of the customer identified above.

Signature	Date
Name (Please Print) Thomas P. Perciak	Title Mayor, City of Strongsville
Email Address jennifer.black@strongsville.org	

Notify me by email when my account is set up.

*Set up of your account may take up to three business days. To ensure continued access to postage, please make sure that sufficient funds are in your POC Account until your enrollment into Quadiant Postage Funding takes effect. Please keep a copy of this Agreement for your records.

It's easy to enroll and get started.

Please submit this form via fax to 800.237.0692 or via email to us.pocadmin@quadiant.com.

Quadiant, Inc. | 478 Wheelers Farms Road | Milford, CT 06461



-
- 7. Default.** We may declare You in default if You: (i) have made any misrepresentations to Quadiant Finance; (ii) at any time, have done or allowed anything that indicates to Quadiant Finance that You may be unable or unwilling to repay the balance of Your Account as required under this Account Agreement; or (iii) are in default under this Account Agreement or any lease, rental, or other agreement with Quadiant Finance, Quadiant, Inc., or their affiliates. If You are in default, or upon any cancellation of Your Account, We shall not be obligated to continue to provide the Account service or extend further credit under this Account Agreement. If We are required to take collection action or any other legal action under this Account Agreement, You shall pay upon demand by Quadiant Finance all court and collection costs, along with reasonable attorney's fees. These remedies shall be cumulative and not exclusive, and shall be in addition to any and all other remedies available to Quadiant Finance.
- 8. Remedies.** If We have declared that You are in default under this Account Agreement, then We may: (i) declare all agreements You have with Quadiant Finance in default and due and payable at once without notice or demand; (ii) refuse to make further advances on Your behalf to reset Your Postage Meter; and (iii) exercise any other rights that We may have. In addition, You agree that any default under this Account Agreement shall constitute a default under any agreement You may have with any of Our affiliates, including, but not limited to, Quadiant, Inc. , Quadiant Leasing USA, Inc..
- 9. Amendments.** We may amend this Account Agreement, or any of its provisions, including without limitation any fees and charges and/or the Annual Percentage Rate, at any time by at least thirty (30) days written notice to You, and such written notice may be included in Your billing statement. Any such amendment will become effective on the date stated in the notice and will apply to any transactions after such date, as well as to any outstanding balance on Your Account.
- 10. Notice:** Any notice required to be given under this Account Agreement by either party hereto shall be given if to You, at the address shown on Your Order Form, and if to Quadiant Finance at 478 Wheelers Farms Road, Milford, CT 06461.
- 11. Miscellaneous.** You understand that We may obtain credit reports in connection with Your Account now and in the future. This Account Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict-of-laws rules, and any applicable federal laws. The sole jurisdiction and venue for actions related to the subject matter hereof shall be in a State or Federal Court within the State of Texas.

Folder Inserter Application Envelope APP PAK

Office: 2480	Specialist/Rep: Robinson	Submitted By: Robinson	Date Submitted: 11 / 1 / 2022
Customer: City of Strongsville - Recreation Center			
Address: 18100 Royalton Rd		Phone #: (440) 580 - 3261	
Contact/Title: Jennifer Black	Additional Contact:	Additional Contact:	
Configuration Description: PF-60 Power Folder (Detail i.e., Model #, # of and Kinds of Feeders)		# of Applications: 2	Existing F/I Customer? Yes or No <input checked="" type="checkbox"/>
Mail Machine Interface: Yes or No <input checked="" type="checkbox"/>	Machine Model:	Mail Machine Auto Feed: On or Off:	

Application #1

Application Name: (Invoice, check, etc.) Flyer	Feeder #: 1 Doc. Size: 8.5 X 11 Folded? Yes or No <input checked="" type="checkbox"/>	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Notes: _____ _____ _____
Envelope Data: Size: Window? Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	
If Applicable, Circle: OMR 1D Barcode 2D Barcode OCR Flex? Yes or No <input checked="" type="checkbox"/> <i>If Flex, a Flex Worksheet is needed.</i>					
How are Barcodes or OMR marks created? By Customer _____ By Neopost OMS Software _____					

Application #2

Application Name: (Invoice, check, etc.) 11X17	Feeder #: 1 Doc. Size: 11X17 Folded? Yes or No <input checked="" type="checkbox"/>	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Notes: _____ _____ _____
Envelope Data: Size: Window? Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	
If Applicable, Circle: OMR 1D Barcode 2D Barcode OCR Flex? Yes or No <input checked="" type="checkbox"/> <i>If Flex, a Flex Worksheet is needed.</i>					
How are Barcodes or OMR marks created? By Customer _____ By Neopost OMS Software _____					

Application #3

Application Name: (Invoice, check, etc.)	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Feeder #: _____ Doc. Size: _____ Folded? Yes or No _____	Notes: _____ _____ _____
Envelope Data: Size: Window? Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No <input checked="" type="checkbox"/>	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	"C"/"Z"/Half/Dbf Address: Carrier: Yes or No _____	
If Applicable, Circle: OMR 1D Barcode 2D Barcode OCR Flex? Yes or No <input checked="" type="checkbox"/> <i>If Flex, a Flex Worksheet is needed.</i>					
How are Barcodes or OMR marks created? By Customer _____ By Neopost OMS Software _____					

CUSTOMER CHECKLIST (Please review and sign below.)

- Equipment Specification Sheets
- Copy of Application Envelope (APP PAK)
- Envelope Specification Sheets
- Review of Survey/Applications Above

CUSTOMER APPROVAL:

Thomas P. Perciak, Mayor, City of Strongsville

DATE: _____

Analyst/Rep APPROVAL:

Jeffrey B. Robinson

DATE: 11 / 1 / 2022

Service Manager Approval:

DATE: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2022 – 164

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE STRONGSVILLE ROTARY FOUNDATION TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the "Strongsville Town Center Enhancement & Walkability Initiative" to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, in that regard, the Strongsville Rotary Foundation has most graciously donated a check in the amount of \$15,000.00 to be utilized by the City of Strongsville for the Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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 extends its gratitude and appreciation to the Strongsville Rotary Foundation for its donation of \$15,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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

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

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2022 - 164
Page 2

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

Attest: _____
Clerk of Council

RES
Ord. No. *2022-164* Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2022 – 165

By: Mayor Perciak and All Members of Council

A RESOLUTION ACCEPTING A DONATION OF MONEY FROM THE STRONGSVILLE CITY CLUB TO BE USED IN CONNECTION WITH THE STRONGSVILLE TOWN CENTER ENHANCEMENT & WALKABILITY INITIATIVE.

WHEREAS, the Strongsville Town Center area is an essential part of the fabric of the City of Strongsville and encompasses some 81 acres extending from Royalton Road and Pearl Road, north past Zverina Lane; and

WHEREAS, the City of Strongsville has continuously recognized the importance of the Strongsville Town Center area and recently launched the “Strongsville Town Center Enhancement & Walkability Initiative” to provide further amenities and upgrade the connectivity and walkability within the Strongsville Town Center area, which will improve the quality of community life for our residents and guests; and

WHEREAS, in that regard, the Strongsville City Club has most graciously donated a check in the amount of \$50,000.00 to be utilized by the City of Strongsville for the Town Center Enhancement & Walkability Initiative; and

WHEREAS, the City is desirous of accepting such gracious donation.

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 extends its gratitude and appreciation to the Strongsville City Club for its donation of \$50,000.00 to be utilized by the City for the Strongsville Town Center Enhancement & Walkability Initiative.

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

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

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2022 - 165
Page 2

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

Attest: _____
Clerk of Council

Res
Ord. No. *2022-165* Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 166

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO EMPLOY SPECIAL LEGAL COUNSEL AND ENTER INTO A RETAINER AGREEMENT FOR PROFESSIONAL SERVICES TO THE CITY OF STRONGSVILLE IN CONNECTION WITH MATTERS RELATING TO THE ABATEMENT OF NUISANCE PROPERTIES IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

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

Section 1. That the Mayor be and is hereby authorized and directed to employ special legal counsel and enter into a retainer agreement with **ATTORNEY KEVIN M. BUTLER**, and the law firm of **MCDONALD HOPKINS** to provide professional legal services to the City in connection with matters involving abatement of nuisance properties in the City of Strongsville as directed by the Law Department, in accordance with their proposal attached hereto as Exhibit "A", and as approved by the Law Director.

Section 2. That the funds for the purpose of such services and said agreement have been appropriated and shall be paid from the General Fund; and the Director of Finance be and is hereby authorized and directed to issue payment in accordance with the terms and conditions of such proposal and retainer agreement.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the retention of such legal services is immediately necessary in order to protect the legal interests of the City by providing representation to the City in connection with the abatement of nuisance properties within the City of Strongsville, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2022 - 166
Page 2

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

Attest: _____
Clerk of Council

Ord. No. 2022-166 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

Direct Dial: 216.348.5770
E-mail: kbutler@mcdonaldhopkins.com

October 24, 2022

Neal M. Jamison, Esq.
Director of Law
City of Strongsville
16099 Foltz Parkway
Strongsville, Ohio 44149

Re: Fee Arrangement

Dear Mr. Jamison:

Thank you for requesting to retain McDonald Hopkins LLC (the "Firm") to provide legal services to the City of Strongsville, Ohio (hereinafter collectively referred to as "you" or "You"), through you in your capacity as Director of Law, in connection with any civil litigation concerning property nuisance or abatement issues in the City of Strongsville as may be directed by the Director of Law. At the outset of a new matter, we believe it is important to have a mutual understanding of how we will work together to accomplish our objectives. To do this, we customarily prepare an engagement letter that generally utilizes the following format. The purpose of this engagement letter is to memorialize in writing the identity of our client(s), the scope and nature of services we have been asked to provide (including any limitations in that regard) and to agree with you on the terms for the provision of our services. This engagement letter will also explain our firm's fees, expenses charged to clients, billing policies and payment terms.

I apologize for but trust you will accept my use of this relatively standard form letter. Our firm wishes to be sure that all of our clients receive comparable information regarding new engagements. Our firm is committed to providing top quality legal representation and services customized to meet the needs of each client, and we very much look forward to working with you. If you have any questions about the provisions of this engagement letter, or if you want to discuss possible modifications, please call me immediately.

Legal Fees and Staffing

In order to provide the highest quality legal services in an efficient, cost effective manner, we involve attorneys and legal assistants at our firm with the experience appropriate to the task at hand. I will be the primary attorney handling your matter and I expect to work with attorney

{10736476: }

EX.A

October 24, 2022

Page 2

Thomas Lampman and perhaps other associates on the matter. We agree that notwithstanding firm's standard current hourly rates, we will offer you a rate for all attorneys involved in the matter, including myself and Mr. Lampman, of \$300.00 per hour. Our time to adequately render the services required under this engagement will include legal research, legal drafting, preparation for and appearances in court, discovery and motion practice, and miscellaneous meetings and communications with client constituents and other parties.

Charges and Disbursements

Certain charges and expenses incurred on a client's behalf in rendering legal services, such as long distance telephone calls, facsimile, photocopying, messenger and delivery charges, computerized research, travel expenses, filing fees, and the like are payable by the client, either directly or by reimbursing our firm. Fees and expenses of others (such as consultants, expert witnesses, court reporters, appraisers, and local counsel) will not be paid by us, but will be forwarded directly to you for payment unless we have a different arrangement in writing. Enclosed is a copy of our policy statement for billing disbursements and charges other than legal fees for legal services.

Electronic Communication

We communicate from time to time with our clients using facsimile machines, mobile telephones, and e-mail. These forms of communication are not completely secure against unauthorized access. There is some risk of disclosure and loss of attorney-client privilege in using these forms of communication, because they do not ensure the confidentiality of their contents. If you object to our using any one or more of these forms of communication, please let

Billing

Statements for services rendered and costs advanced by the firm are rendered to clients monthly. In addition, the firm often sends its clients a monthly statement of account, itemizing amounts outstanding as of the date the statement is prepared.

Payment

All statements for services rendered are payable upon receipt, unless other arrangements have been made with the firm in advance. McDonald Hopkins LLC reserves the right to withdraw as counsel for any client that fails to pay bills in a timely manner.

Client Responsibilities

By agreeing to and accepting our representation as described in this letter, you agree to cooperate fully with us and to provide promptly all information known or available to you relevant to our representation. You will be available to attend meetings, conferences, hearings, and other proceedings on reasonable notice, and you agree to stay fully informed on all developments relating to all matters as to which we have been engaged. You also agree to pay our statements for services rendered and charges in accordance with the terms of this letter.

Term of Engagement

Either of us may terminate the engagement at any time for any reason by written notice, subject on our part to applicable Rules of Professional Conduct. In the event that we terminate the engagement, we will take such steps as are reasonably practicable to protect your interests in the above matter and, if you so request, we will suggest to you possible successor counsel and provide it with whatever papers you have provided to us. If permission for withdrawal is required by a court, we will promptly apply for such permission, and we will assist you as you may desire to engage successor counsel to represent you.

Unless previously terminated, our representation of you as to this matter will terminate upon our sending you our final statement for services rendered. During our representation and following such termination, any otherwise nonpublic information you have supplied to us that is retained by us will be kept confidential in accordance with applicable Rules of Professional Conduct. At your request, your papers and property will be returned to you. Our own files, including lawyer work product, pertaining to the matter will be retained by the firm. All such documents retained by the firm will be transferred to the person responsible for administering our records retention program. In order to minimize unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained within a reasonable time after the termination of the engagement or the completion of the particular matter.

You are engaging our firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you actually engage us after the completion to provide additional advice on issues arising from the matter, the firm has no continuing obligation to advise you with respect to future legal or other developments.

Conflicts

Before preparing this engagement letter, we have conducted an internal check of our records to determine whether or not a conflict may exist with one or more of our existing clients. Based on that check, it appears that no such conflict exists.

Under our profession's Rules of Professional Conduct, we must have undivided loyalty to our clients. This requirement means that a lawyer must refuse to accept or continue employment if the interests of another client may impair the independent professional judgment of the lawyer. In this regard, McDonald Hopkins LLC represents many other companies and individuals. It is possible that during the time we are representing you, some of our present or future clients will have disputes or transactions with you. As a result of these disputes or transactions, conflicts of interest may arise, and, when they do, we will address them with you in a manner consistent with our obligations under the Rules.

Identification Number

McDonald Hopkins LLC's tax identification number is 341059058.

Questions

Please discuss with me any questions you have about any of our services or any statements rendered to you.

The purpose of this letter is to avoid any misunderstanding with respect to the terms of our engagement and the rendering of legal services by McDonald Hopkins LLC. If you are in agreement with the above terms of our representation, please sign the enclosed copy of this letter on its last page and return it to me. Again, if you have any questions, please call me.

We truly appreciate this opportunity to represent you. We look forward to working with you.

Very truly yours,



Kevin M. Butler

AGREED TO AND ACCEPTED:

CITY OF STRONGSVILLE

By: _____

Neal M. Jamison
Director of Law

By: _____

Thomas P. Perciak
Mayor

Date: _____

Date: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2022 – 167

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE SOUTHWEST REGIONAL COMMUNICATIONS NETWORK COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF ROUTINE MAINTENANCE, REPAIRS AND OTHER SERVICES REQUIRED FOR THE ONGOING GENERAL RADIO NEEDS OF THE CITY OF STRONGSVILLE DURING 2022, AND DECLARING AN EMERGENCY.

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

WHEREAS, in 2012, the Cities of Berea, Middleburg Heights and Olmsted Falls, along with Olmsted Township, joined the Southwest COG; and

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

WHEREAS, thereafter, by and through Ordinance Nos. 2016-139, 2016-205, 2017-188, 2018-185, 2019-181, 2020-083 and 2021-147, Council authorized the City's Director of Finance to make payments to the Southwest COG for a service contract with Motorola Solutions, Inc. during the years 2016, 2017, 2018, 2019, 2020 and 2021; and

WHEREAS, based upon recommendation of the City's Director of Communication & Technology, this Council again wishes to take advantage of that opportunity for the purchase of a service contract for the routine maintenance and repairs for the general radio and telecommunications needs and requirements of the City, including the Regional Dispatch Center, during 2022.

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

Section 1. That the Director of Finance be and is hereby authorized and directed to pay to the Southwest COG, the total amount of \$93,804,84 in accordance with the invoice attached hereto as Exhibit A, in order to pay Strongsville's proportionate share of the costs involved in the purchase of ongoing routine maintenance, repairs and other services for the general radio needs for the City of Strongsville during 2022.

Section 2. That the funds necessary for the purposes of this Ordinance have been appropriated and shall be paid from the Fire Levy Fund; General Fund; Multi-Purpose Complex Fund; Street Construction, Maintenance & Repair Fund; and the Sanitary Sewer Fund.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to continue to provide for the maintenance and repair of the general radio needs of the City of Strongsville, in order to protect and safeguard the safety and welfare of its citizens, and for the continuity of services provided by the City's Department of Public Safety. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

Ord. No. 2022-167 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Public Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

Southwest Regional Communications Council of Governments

17401 Holland Rd.
Brook Park, OH 44142

INVOICE

DATE:
October 10, 2022

INVOICE #
1

Bill To:
Eric Dean
Finance Department
City of Strongsville
16099 Foltz Industrial Pkwy
Strongsville, OH 44149
(440)238-5720

For:
2022 Expenses

Due:
December 15, 2022

DESCRIPTION	AMOUNT
2022 User Fees	\$ 2,311.36
Budget Expenses	\$ 5,000.00
Motorola Service Contract 01/01/2022 - 12/31/2022	\$ 86,493.48
TOTAL	\$ 93,804.84

Make all checks payable to Southwest Regional Communications Council of Governments

Return address:

City of Brook Park
Attn: Asst. Chief Pat Johnson
17401 Holland Rd.
Brook Park, OH 44142

If you have any questions concerning this invoice, contact Marty Healy at (216)548-0119

THANK YOU

