

## **SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JANUARY 4, 2010.**

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on **Monday, January 4, 2010 at 7:30 p.m.**

Present: Council Members: Patrick J. Coyne, Michael J. Daymut, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, and Mark A. Roth. Also Present: Clerk of Council Leslie J. Seefried. Administration: Mayor Thomas P. Perciak, Law Director Kenneth A. Kraus, Finance Director Joseph K. Dubovec, Service Director Joseph M. Walker, City Engineer Ken Mikula, Assistant Building Commissioner Keith Foulkes, Recreation Director Stephen F. Kilo, Communications and Technology Director John Bedford, Human Resources Director Anthony Urankar, Police Chief Charles Goss and Fire Chief Robert Moody.

The following Committees met to review legislation on the agenda:

Finance Committee: Chairman Dooner recommended fourth reading for Ordinance No. 2009-234, amending the General Salary Ordinance to re-classify and amend the positions of Jailer Coordinator and Jailer in the Police Department.

Planning, Zoning and Engineering: Chairman Coyne recommended that Ordinance Nos. 2009-257 and 2009-258, which are companion pieces proposing to rezone property located at Royalton and Prospect Roads from R1-75 to GB and from LB to GB, respectively, be placed on second reading and set for public hearing on February 16, 2010, but noted that he will not be in attendance at the February 16 meeting, as he will be on vacation. Mr. Coyne noted that both Ordinances received favorable recommendation at Planning Commission on December 22, 2009. Mr. Coyne stated he was unable to attend the Planning Commission meeting; however, if he had attended, he would have voted against these two Ordinances. He feels the City does not need another drug store. Mr. Haseley concurred with Mr. Coyne. Mr. Coyne stated it is in his ward, it is in his neighborhood, he is a constituent and he does not want it. Mr. DeMio asked how the Ordinances got a favorable recommendation. Mr. Coyne reiterated he was not at the meeting. The Mayor explained they were clear with the potential developers that there were two councilmen-at-large that lived in the area and highly recommended that the developers meet with both homeowners associations and explain to residents the proposed plans. However, the fact remains that Council can act to rezone one of the Ordinances, while the other would be a ballot issue, since the current zoning is residential. Mr. Coyne feels people are tired of drug store projects; we have Rite-Aid, Walgreens, CVS, Marc's. The Mayor opined that it only matters what the people think; if the people don't want it, they don't want it, and it is up to the Council, along with his administration, to make certain the people understand what the potential is for there and the headaches it may cause. He stated Councilman Coyne has a very strong point and they did make that issue to the applicants at that time; they are aware of it. Mr. Coyne stated the applicants wanted to meet privately with him, but he refused to meet with them. He stated he would make his comments on the floor tonight. He reiterated he would not be in attendance for the public hearing on February 16. Mr. Haseley commented that Council does not have to vote on the Ordinances at the February 16<sup>meeting</sup>. Mr. Coyne asked the Council members if they wanted to reschedule the public hearing, or stay with the February 16 date, in which case he would request that the President of Council defer the vote until such time that there is a full complement of members present. No one indicated a desire to reschedule the public hearing.

Law Director Kraus interjected that we would withhold the companion piece (2009-258) because the first piece (2009-257) has to go to the ballot and the only way it can get to the ballot is if Council agrees to vote on the Ordinance on February 16, as the filing deadline for ballot issues at the Board of Elections is February 18; otherwise, the issue would have to wait until the November ballot.

Chairman Coyne recommended first reading and referral to Planning Commission for Ordinance No. 2010-001, amending SCO Section 1250.03 to establish a new zoning map. He recommended suspension and adoption for Ordinance 2010-002, authorizing the Mayor and City Engineer to prepare and submit an application with the Ohio EPA for surface water improvement grant funds in connection with the Foltz Parkway Extension-Phase II Project. Mr. Coyne stated this is for a \$300,000 grant; he commended the administration for always looking for grant opportunities and the Engineering Department for all their hard work to this end.

Committee of the Whole: President Gallagher stated a vote would be taken this evening on Ordinance No. 2009-253, amending SCO Section 880.32 in order to continue the City's current 75% tax credit on the amount of income tax paid on taxable income by a Strongsville resident to another municipality and eliminating the prior termination provision. Mr. Gallagher recommended suspension and adoption for Ordinance No. 2010-003, authorizing the donation of unclaimed bicycles in the possession of the Police Department to other public agencies or non-profit organizations, including the Ohio City Bicycle Co-Op.

Economic Development and Technology Committee: Chairman Daymut stated he has tentatively scheduled a meeting for January 25, depending on Committee assignments.

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Councilman DeMio moved, seconded by Councilman Coyne, to adjourn from open session into executive session [Article XI, Section 9, City Charter] to discuss personnel matters. Roll Call: All ayes. Motion carried. Council adjourned into executive session at 7:37 p.m. with the following members present: Coyne, Daymut, DeMio, Dooner, Gallagher, Haseley and Roth. Mayor Perciak was also present. Motion was made by Mr. DeMio and seconded by Mr. Dooner to conclude the Executive Session and reconvene in open session. All members present voted aye and the motion carried. The executive session concluded at 7:55 p.m.

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### **SWEARING-IN CEREMONY**

Mr. Gallagher – Ladies and gentlemen, thank you for coming this evening. This is a momentous time here in Strongsville. In November, as you all know, we had an election for our Council members at-large, and two of our members were re-elected and then we had one appointee, Ken Dooner, who was elected Council At-Large for the incoming four years. This evening, we are going to be swearing the gentlemen in.

Newly elected Councilman At-Large Kenneth M. Dooner was sworn in by Mayor Thomas P. Perciak. Accompanying him was his wife, Anna, and his son, Kyle.

Re-elected Councilman At-Large Joseph C. DeMio was sworn in by Cuyahoga County Common Pleas Court Judge Deena R. Calabrese. He was accompanied by his wife, Marie.

Re-elected Councilman At-Large Patrick J. Coyne was sworn in by Cuyahoga County Sheriff Bob Reid. He was accompanied by his wife, Jackie, and his children, Brendan, Joe and Rebecca.

Mr. Gallagher – Congratulations, gentlemen. Do you have anything you want to say?

Mr. DeMio – I'll defer to the freshman.

Mr. Dooner – The freshman?

Mr. DeMio – Well, it's your first full term.

Mr. Dooner – Oh, I see. Just thanks to the citizens of Strongsville for electing me, I appreciate it, and I will do my best to keep these other two guys in line.

Mr. Gallagher – Joe.

Mr. DeMio – I just again want to thank everybody for entrusting me with the responsibility of Council. I look forward to working again with the awesome directors we have; some may be new to the town, but certainly have the experience of many, many years. The Mayor, our Law Director, our Council members, those that we don't – we agree often, but we respectfully disagree, and that's the way this Council is and I really appreciate each and every member that sits up here. And a special thank you to Leslie and her staff because without Leslie, none of us would be able to do the job that we're able to do, and I want to share that, please, message because it is honestly the truth. You make us look good, you take good care of us when we're not available, and I truly appreciate that. And God has blessed us with you and your staff, Les, so thank you, and thank everyone again.

Mr. Coyne – Well, I want to take this opportunity, first of all to thank my wife; she has put up with this for twenty years – actually, twenty-four, and so you cannot hold public office without having an understanding wife and...

(Applause)

Mr. Coyne – And we're gone a lot and so the responsibilities of running a home fall on her and she has done a great job. So, if it was not for her, I wouldn't be here; she's done a great job and I love her a lot. And then I want to thank my children because they probably put up with more adversity than anybody I know. I mean, I can remember on Christmas Eves, people calling, trying to get out of the house to be at a party, the people coming to our house, which we always like and a lot – so many nice people, sometimes not nice, but they've taken it. And I want to introduce them individually: My son, Brendan, who is a junior at Kenyon; my son, Joe, who is a sophomore at Akron; and my daughter, Rebecca, who is a sophomore at Lutheran West High School.

Mr. Coyne (cont'd) - I want to thank Bob Reid for swearing me in, he is a great sheriff, he's doing a good job cleaning up that area of Cuyahoga County, and he's a solid fellow and I think when the final curtains are drawn on county government, you're going to see that the Sheriff's Department once again is going to be a proud institution. I'd like to thank our Mayor, who has done a great job of running our city; he has been a very good friend and mentor of mine. I was on the phone with two mayors today, Ed Fitzgerald of Lakewood and Bob Stefanik of North Royalton, and they are always seeking Mayor Perciak's guidance and that's the good thing about him, he understands that it's important to run a city, but it's important to reach out your hand to the region to other mayors and other elected officials, and in a short time he is getting a good reputation among the mayors; they seek his guidance and wisdom and he has been helpful to them. We have a great Council, this is the best Council I have served on in the twenty years I have been here; each brings a uniqueness to government. Our directors are fantastic; they put up with us and they are second to none. And Leslie has been holding down the office probably longer than anybody should, she puts up with all of us and I don't understand why I have more gray hairs than her, but her and, prior to her, Pat Stewart, and now Aimee, they are doing a great job. And I have to thank the residents of Strongsville because they have allowed me to, for a number of terms, serve them and I will try to continue serving to the best of my ability. So, thank you.

(Applause)

Mr. Gallagher – Thank you, gentlemen, and congratulations again. Those in the audience wishing to depart us, now would be the time. We have a very short agenda, you are welcome to stay, but if you have somewhere to go, prepare to maybe have festivities with the newly elected, you can go now or stay; just wanted to make that offer to you. And we will now start the Council meeting.

## **MINUTES OF THE ORGANIZATIONAL AND REGULAR STRONGSVILLE COUNCIL MEETING HELD ON JANUARY 4, 2010 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE COMMUNICATIONS CENTER**

### **CALL TO ORDER:**

Council President Michael J. Gallagher called the meeting to order at 8:11 p.m. All joined in the Pledge of Allegiance to the Flag.

### **CERTIFICATION OF POSTING:**

The Clerk of Council certified that the meeting had been posted in accordance with Ordinance No. 2004-273.

### **ROLL CALL:**

**Present: Council Members:** Patrick J. Coyne, Joseph C. DeMio, Kenneth M. Dooner, Michael J. Gallagher, Raymond L. Haseley, Mark A. Roth III, and Michael J. Daymut. **Also Present:** Leslie J. Seefried, Clerk of Council. **Administration:** Thomas P. Perciak, Mayor; Kenneth A. Kraus, Law Director; Joseph K. Dubovec, Finance Director; Joseph M. Walker, Service Director; Keith Foulkes, Assistant Building Commissioner; Ken Mikula, City Engineer; Stephen F. Kilo, Recreation Director; John Bedford, Communications and Technology Director; Anthony Urankar, Human Resources Director; Charles Goss, Chief of Police; and Robert Moody, Chief of Fire.

**ORGANIZATION:**

Mr. Gallagher – Every year at this time, ladies and gentlemen, we have an organizational meeting where we elect the Council President and the Council President Pro Tem.

**Election of Council President:**

Mr. Gallagher – I will now open nominations for Council President.

**Motion by Mr. DeMio, seconded by Mr. Coyne, to nominate Michael J. Gallagher for Council President.**

Mr. Gallagher – I will accept that. Are there any other nominations?

(No comments)

Mr. Gallagher – Hearing none; motion to elect Michael Gallagher Council President for the year 2010, seconded by Mr. Coyne. Call the roll, please.

**Roll Call: Ayes: DeMio, Dooner, Gallagher, Haseley, Daymut, Coyne.  
Nays: Roth.  
Motion carries. *Michael J. Gallagher elected Council President.***

**Election of Council President Pro Tem:**

Mr. Gallagher – I will now open the election for the nominations for Council President Pro Tem.

**Motion by Mr. Gallagher, second by Mr. Coyne, to nominate Joseph C. DeMio for Council President Pro Tem.**

Mr. Gallagher – Are there any other nominations?

(No comments)

Mr. Gallagher – I'll close nominations. I'll take the motion from myself electing Joseph DeMio Council President Pro Tem for the term 2010, second by Mr. Coyne. Call the roll, please.

**Roll Call: Ayes: Dooner, Gallagher, Haseley, Roth, Daymut, Coyne, DeMio.  
Nays: None.  
Motion carries. *Joseph C. DeMio elected Council President Pro Tem.***

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO PLANNING COMMISSION:**

Mr. Gallagher – I will make the appointment of Council representative to Planning Commission Mr. Coyne for the year 2010.

***Patrick J. Coyne appointed as Council representative to Planning Commission for the year 2010.***

**ORGANIZATION (cont'd):**

Mr. Gallagher - All other committees, please maintain your positions; let me know if there is anything that you want to change as far as your representation and direction as far as leadership on the various committees. If you want to maintain those, also let me know that so we can get this situated for the year in a prompt manner.

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO SOUTHWEST GENERAL HEALTH CENTER BOARD OF TRUSTEES:**

(Deferred to next meeting)

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO STRONGSVILLE SCHOOL BOARD:**

(Deferred to next meeting)

**APPOINTMENT OF STANDING COUNCIL COMMITTEES:**

(Deferred to next meeting)

**COMMENTS ON MINUTES:**

The Minutes of the Regular Council Meeting of December 21, 2009 were approved as submitted.

**APPOINTMENTS AND CONFIRMATIONS:**

Mayor Perciak – First of all, this evening it is my honor and privilege to administer the Oath of Office to you, Mr. President, so would you come down.

*At this time, Mayor Perciak administered the Oath of Office of President of Council to Michael J. Gallagher.*

Mayor Perciak – Congratulations, Mr. Michael.

Mr. Gallagher – Thank you.

(Applause)

*Mayor Perciak then administered the Oath of Office of President of Council Pro Tem to Joseph C. DeMio.*

Mayor Perciak – Congratulations, Joe.

Mr. DeMio – Thank you, sir.

(Applause)

**APPOINTMENTS AND CONFIRMATIONS (cont'd):**

Mayor Perciak - Next, we will administer the Oath of Office to our newly appointed Finance Director, Joe Dubovec. Come on up, Dubovec family.

*Mayor Perciak administered the Oath of Office of Director of Finance to Joseph K. Dubovec. Accompanying Mr. Dubovec was his wife, Gayle, and children, Karl, Collin and Emily.*

Mayor Perciak – Congratulations, Joe.

(Applause)

**REPORTS OF COUNCIL COMMITTEES:**

**SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth:** Thank you, Mr. Gallagher. I went to the December 18 meeting; I will just state that it was a long, marathon meeting; we talked about a lot of things that we've been discussing in the past, but it was long and it was very involved, went deep into the night, and working on a lot of things new and old. And nothing really stands out to really separate out at this time. Thank you. That's all, Mr. Gallagher.

Mr. Gallagher – Questions for Mr. Roth?

(None)

**SCHOOL BOARD – Mr. Roth:** Since the last meeting, there have been no meetings, so after the next one forthcoming, I will give my report.

Mr. Gallagher – Thank you. Hopefully, sometime in January we will be meeting with the school administration and the school board; we are trying to put that together, so I just wanted to give you a heads-up. I will give you plenty of notice for that.

**RECREATION AND COMMUNITY SERVICES – Mr. Gallagher:** There is no legislation before Recreation; I will answer any questions.

(No questions)

**PUBLIC SERVICE AND CONSERVATION – Mr. Haseley:** Thank you, Mr. Gallagher. I, too, have no legislation on tonight's agenda. I will be glad to answer any questions anybody has. If not, I will conclude my report.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

**PUBLIC SAFETY AND HEALTH – Mr. DeMio:** Thank you, Mr. Gallagher. This committee has no ordinances or resolutions before it tonight. Although, I want to give a special thanks to the Police and Fire Departments, as well as our Service Department keeping the roads safe. Mayor, that's really, really helped out; you know that we are in a secondary snow belt, but a special note to the great services that happened today; I know it was tough and it hit all at one time, it seemed, but I want to thank you from this committee and from this Council to the men and women of those departments.

**REPORTS OF COUNCIL COMMITTEES (cont'd):**

(Applause)

Mr. DeMio (cont'd) – And that is all I have; I will field questions otherwise.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

**PLANNING, ZONING AND ENGINEERING – Mr. Coyne:** Thank you, Mr. Gallagher. I just want to echo Mr. DeMio's sentiments on the great job the Service Department and safety forces have done during this inclement weather; it has been fantastic, so kudos to them.

In our committee this evening we have Ordinances 2009-257 and 2009-258, regarding amending the zoning map of the City of Strongsville on certain real estate parcels on Royalton Road and Prospect. And basically, that rezoning is – there are interested parties of putting a Drug Mart and stores on the corner of Prospect and 82. I serve on the Planning Commission, I could not be at that meeting -- it's the first meeting I missed, I had surgery -- but I would have voted against it at Planning Commission. And I want to announce publicly this evening that I am going to be voting against 257 and 258. We have enough drug stores in the City of Strongsville and enough retail, and how many drug stores do you need? If you can't find one that accommodates your needs, then something must be wrong. And are we going to develop every parcel of land retail in the City of Strongsville and put a drug store? We have enough vacant storefronts on it. The problem with this, ladies and gentlemen, is every time we go to court and we try to fight this, the courts rule in favor of the business community, and it's wrong. And I've heard loud and clear from the residents on this issue and I will not be voting on either one of them. Enough is enough. Unfortunately, because of our charter, this is an issue that can go to the ballot and the residents are going to decide, and I am going to do everything I can to alert the residents in Ward 4 to vote against this; it's a bad ordinance and it's a bad rezoning. And, so those are going to be placed on second reading and there is going to be a public hearing on February 16 at 8 p.m. on both those ordinances. We also have Ordinance 2010-001, I am going to place that on first reading and refer to Planning Commission; this is an ordinance amending a section of our code to establish a new zoning map. We are updating it; that has not been done since 2006. And then Ordinance 2010-002 is an ordinance that I am going to ask for suspension and adoption, it is an application to the Ohio EPA for surface water improvement grant funds in connection with the Foltz Parkway Extension, and that grant is worth three hundred thousand dollars. That's all I have this evening, unless there are any questions.

Mr. Gallagher – Questions for Mr. Coyne?

(None)

**FINANCE - Mr. Dooner:** The only thing we have before us tonight, Mr. Gallagher, is Ordinance 2009-234, which we are going to place on fourth reading. That is all we have, Mr. Gallagher.

Mr. Gallagher – Thank you. Questions for Mr. Dooner?

(None)

**REPORTS OF COUNCIL COMMITTEES (cont'd):**

**ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut:** Thank you, Mr. Gallagher. We have, also, no ordinances or resolutions on this evening's agenda. I would like to announce that there will tentatively be a meeting for Monday, January 24 at 7 p.m. here in the Communications Center. And I'd like to also announce that Costco will be the sponsor of our Business Network Breakfast meeting in February. That's all I have this evening, Mr. Gallagher. Thank you very much.

Mr. Gallagher – Thank you, Mr. Daymut. Questions for Mr. Daymut?

(None)

**BUILDING AND UTILITIES – Mr. Roth:** Thank you, Mr. Gallagher. Mr. Coyne, just like a lot of your sentiments with the potential development at 82 and Prospect, I have a lot of similar arguments for the second Sheetz in my ward. I am calling a meeting for Ward 3 residents here, Wednesday, seven o'clock, January 6. And I want to thank the Mayor for stopping the vote and giving people, at least through me because I will be speaking for the people – See, my ward is directly affected by this. I voted for the first Sheetz; the first Sheetz is on a nice busy corner, I hope they make a million dollars a day. But this one is abutting a parkway, serene parkway, my people are – the vast majority are against it, and there are several – many bedrooms that are going to be looking at red and orange neon lights the rest of their lives. So, they are directly affected, they abut it, it's in a residential area on Whitney and Big Creek Parkway and you think – it's a Pearl Road address, but it goes way back, goes way back to the parkway. So it's a unique situation, unlike the first one in my ward, and I'm calling a meeting for Wednesday. That's all, Mr. Gallagher.

Mr. Gallagher – Questions for Mr. Roth?

(None)

**COMMITTEE OF THE WHOLE – Mr. Gallagher:** Committee of the Whole this evening has Ordinance 2009-253, we're placing that for a vote this evening, and 2010-003, recommendation is suspension and adoption, that's bicycles that have been unclaimed through our Police Department that are going to be donated to nonprofit organizations for rehab and redistribution, so the recommendation is suspension and adoption.

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

Mayor Perciak – Thank you, Mr. President. This evening, I would like to take the time to congratulate our three new sworn Councilmen At-Large and thank them for their cooperation over the past years and ask them for their continued cooperation as we go forward in an economy that is not so good.

I also would like to extend my congratulations to Joe, our new Director of Finance, and thank his family for being here today to watch your dad take the Oath of Office. And I hope that all of you support him, as we do here, as this Council has, so that he will be a successful Director of Finance.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS  
AND OTHER OFFICERS (cont'd):**

Mayor Perciak (cont'd) - And lastly, I would just like to echo again what Joe DeMio said and the entire Council and Patrick, about the snow removal since New Year's Eve. This has been an around the clock operation. Thank God this year we are able to get the salt; last year at this time we were fighting to get the salt. So the guys have been out there, we have a full crew out there tonight. So, if the children are waiting for a snow day tomorrow, I don't know where that's going to come down, we won't know till about four or five o'clock this morning, until all of our trucks have the ability to get in the streets and in the cul-de-sacs. We are going to do our very best to clean them up. So, kind of hold off, check your emails tomorrow morning; don't call the City because we don't call off school. So again, I would like to thank our Service Director for everything, and I would ask all the residents, please don't call my house about school because that lies with the Superintendent. Thank you very much.

Mr. Gallagher – Thank you, Mayor. Questions for the Mayor?

Mr. Roth – Mr. Gal....

Mr. DeMio – Just... Go ahead.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Thanks, Joe.

Mr. DeMio – Mine's a little more light than yours will be, I'm sure.

Mr. Roth – All right, well...

Mr. Gallagher – Mr. Roth, go ahead.

Mr. Roth – Don't paint me like that, I'm always fair.

Mr. DeMio – You are.

Mr. Roth – Mr. Walker, thanks, really, your whole department, for -- the sixteen thousand residents in Ward 3, not one phone call – not one phone call complaining about snow, snow removal. There was only one call to me and it regarded sod damage, but they were blitzing so hard he didn't hit the curve; but as far as snow removal, not one call, so...

Mr. Walker – I think what happened there, Councilman Roth, was that one of our plow trucks knocked the telephone pole down in front of your house, that's why you got no calls.

(Laughter)

Mr. Roth – I didn't want to really state that.

Mr. Walker – Well, you're welcome and, on behalf of the men and women from my department, because they're the ones that are out there, they're working a lot of hours and they do a great job. When it comes to this, they really put in a lot of hours and I'm very proud of them. Thank you.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS  
AND OTHER OFFICERS (cont'd):**

Mr. Gallagher – Mr. DeMio.

Mr. DeMio – Mayor, I know I asked this a few years ago and see if you recall because I know you have a few little ones in your house that are going to school; are the kids wearing their pajamas inside out for snow? You know the deal, right? They wear them inside out to pray for a snow day.

Mayor Perciak – That is correct.

Mr. DeMio – So...

Mayor Perciak – Well, the little ones, in my case, are grandchildren.

Mr. DeMio – That's true.

Mayor Perciak – And they do their very best to persuade me to persuade the Superintendent that they need a snow day.

Mr. DeMio – But I had a neighbor – a little neighbor across the street asked if we're going to have school tomorrow and I said, well, I'll ask the Mayor. So there you go.

**FINANCE DEPARTMENT - Mr. Dubovec:** Thank you, Mr. President. Funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funding and up for adoption.

Mr. Haseley – I thought sure he would have changed that.

(Laughter and applause)

Mr. Gallagher – It's nice that you follow the tradition, and wearing maybe not a brown suit, but it's close to a brown suit like Mr. Batke. So Mrs. Dubovec, a little color, please. And Joe, in all honesty, it's been a pleasure working with you the past few years and now you're taking over, congratulations, and I have the utmost confidence in you and look forward to working with you through this year. Thank you.

**LAW DEPARTMENT – Mr. Kraus:** Yes, Mr. President, I would simply report that all resolutions and ordinances before City Council this evening are in proper legal form.

Mr. Gallagher – Questions for Mr. Kraus?

(None)

**AUDIENCE PARTICIPATION:**

Mr. Gallagher – This is the segment of our agenda where we have public comment. If there is anyone in the audience wishing to make comment to the Council, now would be the time. I have a sign-in sheet, there is no one on the sign-in sheet, but that doesn't deter you from speaking to Council. Is there anyone in the audience wishing to address Council this evening?  
Mr. Vassil?

Bill Vassil – How did you guess?

Mr. Gallagher – I saw you leaning.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. I don't know if you people were out, you Council members were out before Christmas and after Christmas and during the working day; I have never seen traffic backed up on Route 82 to Serpentine's and back. That's a lot of traffic. What are we going to do about it? You can't get off the ramp. I think it's time to go after the state and get that little extension over there. I know you've tried and they won't do it.

Mayor Perciak – I have to say this. Here's how I view this as Mayor of the City. Every time I – Now, I don't like driving around 82 with all that traffic, I always try to avoid it...

Bill Vassil – So do I.

Mayor Perciak – But all those cars coming in are spending money in the City of Strongsville and helping...

Bill Vassil – Not if... Not the people going home from work.

Mayor Perciak – ...and helping promote economic growth. So, we knew that would happen at the holiday time, that is a bottleneck and it's going to continue to be a bottleneck. We're going to be making some changes there at Howe and 82, we put some, you know, direct – two arrows up there now, we're going to change one of the turn lanes. But, as far as asking or going to the feds or to the state for an exit off of Boston Road, we can ask, but I can tell you what the answer will be.

Bill Vassil – Then I don't want to see Route 90 put an extension in to get over to Crocker, off of 90.

Mayor Perciak – You know what? Write your congressman.

Bill Vassil – Oh, don't worry. I just sent...

Mayor Perciak – I don't mean to be disrespectful, but...

Bill Vassil – I just sent Betty Sutton one. No, I'm serious. I mean, we're just as good as anybody else and we need some help out here.

Mayor Perciak – Well, in all due respect, Mr. Vassil, they have been more than helpful with the extension of Route 42. Without the state's help, we just could not have gotten that done.

**AUDIENCE PARTICIPATION (cont'd):**

Bill Vassil – Should have gone up to the top of the hill, too.

Mayor Perciak – They wouldn't.

Bill Vassil – I know that, but I'm just saying it should have gone up to the top of the hill.

Mayor Perciak – All good things come in time.

Bill Vassil – Yeah, well I think the former mayor told me, well, we couldn't do it when we widened to Shurmer and the state wouldn't allow them to go any further, and then the traffic lights were coming -- oh yeah, they'll be there soon as we widen the street. It's cost us a hell of a lot more money – excuse my expletive – than it would have cost us if it was done early and a long time ago.

Mayor Perciak – The financial people recognize that; however...

Bill Vassil – They don't care, it's your taxpayers' money.

Mr. Gallagher – Happy New Year, Mr. Vassil. Sir?

Bill Vassil – You owe me something, by the way.\

Mr. Gallagher – Sir, can we have your name and address for the record?

Peter Sullivan, 20692 Westminster Drive, Strongsville – Certainly. Peter Sullivan, 20692 Westminster Drive, Strongsville. Congratulations, Mr. Dooner, Mr. DeMio, Mr. Coyne, Mr. Gallagher. Mayor Perciak, town Council, I am here tonight to express my opposition to Ordinance 2009-253, extending the tax increase via the local income tax reciprocity reduction from a hundred percent to seventy five percent. By way of history, please consider you've brought multiple tax issues to the community to authorize the construction of various new facilities, including the new police building, and without exception -- without exception -- the residents defeated the increase in spending. Now, for the record, I voted for it; however, the message was clear – be good stewards of public funds, be frugal, times are tough for the residents. Despite the wishes of the voters, a new fire station was built for about five and a half million bucks and, according to the Sun newspaper, an additional million dollars was appropriated to finish the basement. I don't know if that is correct or not, that's how the Sun Times reported it. Now we have a new police station addition, despite the fact that voters rejected this on multiple occasions. Now you're proposing that the extended temporary tax increase become permanent. I object to you passing that ordinance and continuing to levy increased taxes on working city residents at one of the worst times in financial history. I understand that if the tax increase is not approved and continued that there will be revenue shortfalls and potential service reductions. To that, I say join the club. I've been working with my own family to tighten the belt at home, as well as my employer, and to prioritize spending reductions in this very difficult environment. Personally, I've taken a salary reduction through my employer and I know others that have and have taken more severe ones than me. I suggest that we take a hard look at our spending here in town. My suggestion to you is that you slow down the spending, either through deferral or elimination, review departmental budgets of the City and make some hard choices. I recommend one thing that you could do is establish a citizen's advisory board to review the spending and make prioritized choices.

**AUDIENCE PARTICIPATION (cont'd):**

Peter Sullivan (cont'd) - You know as well as I do that there are efficiencies to be harvested and there's other options available. I'll point out one small example: When a tree in my front lawn died, I paid for half of the cost of the tree under the cost-sharing concept. Although I was happy to do so, when I saw that it took four men four hours to replace one small tree, I knew there was a concrete example of how some portion of the City treasury is not being well managed. If we could harvest efficiencies like that one before you come to the financially distressed residents to ask for more money, I think that would make a lot of sense. We have two years to review the revenue and expense streams before the 12/31/2011 expiration of the extended increase, so I urge you tonight not to pass the ordinance to keep the tax increase and to make tough choices over the next two years. Thank you.

Mr. Gallagher – Thank you, Mr. Sullivan. Is there anyone else in the audience? Yes, sir.

Chad Trush, 10266 Huntington Park Drive, Strongsville – Chad Trush, 10266 Huntington Park Drive. Citizen of Strongsville for about ten years. And not to repeat what this gentleman just said, I concur with everything he had to say. I would just like to follow up with that and – First of all, you guys run a great city, I love living here and a big part of that is the safety and the police force that you have, you do a great job. And with the spending and everything and the tight economy, I just want to make sure or ask if there are any plans on laying off any of the police or are you going to shorten the patrol staff out there, which would, in turn, not make the City as safe.

Mayor Perciak – Can I answer that? Mr. President, may I?

Mr. Gallagher – Normally we don't, sir, but I'll allow the Mayor. Could you spell your last name again? I'm sorry.

Chad Trush – T as in Tom, R-U-S-H.

Mr. Gallagher – S-H.

Chad Trush – Yes.

Mr. Gallagher – Thank you.

Mayor Perciak - We're in the middle of negotiations with police, fire and the dispatchers at this time, so for me to make a commitment that what we're going to do and not going to do, I can't, even if I want to. I'm sure I can answer that question for you after they take a vote, but until they take a vote, I can't really do anything. So, please bear along with me for a few more days and as soon as the...

Chad Trush – When is the voting?

Mayor Perciak – Well, they have a tentative vote set for January 7, police, I think. Thursday. So, until then, I can't answer. But do we – is it our objective to lay anybody off? No. But I cannot control the revenue stream, nor can the Director of Finance, nor can the Council; we continue to maintain and watch and we're very careful with that revenue stream.

**AUDIENCE PARTICIPATION (cont'd):**

Mayor Perciak (cont'd) - And no, we don't want to sacrifice a single police officer, a single fireman or paramedic, or far as that goes, what's left in our Service Department because, you know, the fire and police will tell you, especially in the last four days like this, try to answer a call without a snow plow in front of you if you need to get there.

Chad Trush – The City does a great job and I'm...

Mayor Perciak – But that's what I'm saying, so they're all important to me. Safety is important, but every worker who helps provide a necessary service is important to me and important to this Council – I can't speak for them, but I'm sure they would agree. So, that's where this is coming from, so I wish I could be more helpful and answer your question directly, but I can't.

Chad Trush – Okay. Thank you, Mayor.

Mr. Gallagher – Thank you. Sir?

Brian Cappelli, 17545 Fairfax Lane, Strongsville – Mr. Mayor, Members of Council, Members of the Administration. My name is Brian Cappelli; I'm at 17545 Fairfax Lane. I, too, wish to express opposition to the income tax credit reduction. Many of my comments would be redundant with what the two other gentlemen have already expressed, although not as eloquent.

Unidentified Voice – (Unintelligible)

Brian Cappelli – I thought you did a great job, really capturing all the elements of this situation. I would also say that I do believe this tax is unfairly targeted at a certain segment of the population in the City, that tax increases, I feel, should go before the voters to make that decision that...

(Applause)

Brian Cappelli – This was put in place a number of years ago as a temporary stopgap measure and many of us rumbled, but supported it and understood the need for additional revenues. And I think that it goes too far to make this thing permanent, that it should be put before the voters.

Unidentified Voice – Well said.

Brian Cappelli - Thank you. Those are my comments.

Mr. Gallagher – Thank you, Mr. Cappelli. Is there anyone?

(No comments)

**ORDINANCES AND RESOLUTIONS:**

**Ordinance No. 2009-234** by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO RE-CLASSIFY AND AMEND THE POSITIONS OF JAILER COORDINATOR (SECTION 5-151) AND JAILER (SECTION 5-153) IN THE POLICE DEPARTMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY. *1<sup>st</sup> rdg: 11-16-09. 2<sup>nd</sup> rdg: 12-07-09. 3<sup>rd</sup> rdg: 12-21-09.*

**Fourth reading. Referred to Finance Committee.**

**Ordinance No. 2009-253** by Mr. Coyne, Mr. Daymut, Mr. DeMio, Mr. Dooner, Mr. Gallagher, and Mr. Haseley. AN ORDINANCE AMENDING SECTION 880.32 OF CHAPTER 880 OF TITLE FOUR OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY IN ORDER TO CONTINUE THE CITY'S CURRENT 75% TAX CREDIT ON THE AMOUNT OF INCOME TAX PAID ON TAXABLE INCOME BY A CITY OF STRONGSVILLE RESIDENT TO ANOTHER MUNICIPALITY, ELIMINATING THE PRIOR TERMINATION PROVISION, AS AMENDED. *1<sup>st</sup> rdg: 12-07-09. 2<sup>nd</sup> rdg: 12-21-09.*

**Motion for adoption by Mr. DeMio, second by Mr. Coyne.**

**Roll Call: Ayes: Gallagher, Haseley, Daymut, Coyne, DeMio, Dooner.**

**Nays: Roth.**

**Motion carries.**

**Ordinance No. 2009-253 ADOPTED.**

Mr. Roth – Mr. Gallagher.

Mr. Gallagher – Mr. Roth.

Mr. Roth – Yes. Believe me, I'm not going to – there's no more time for debate. But I just wanted to – for the record, just make a one-minute statement. Above the money issue, what we have here sparked a tea party two hundred thirty five years ago. We got two tax rates now in a flawed system that is not fair for the same Strongsville residents. I don't even believe this is constitutional. Same residents, same benefits, two tax rates, no vote of the people. It's always been reciprocal among cities, so the argument that, well their money – they're paying taxes to other cities, I think there's even more residents in our City that we're collecting from other cities. Reciprocity has always been in effect. And this additional tax goes for infinity. That's all, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth. In rebuttal to that, I will suggest that those at the tea party didn't have tea. In this situation, you have more tea bags on the table than anybody in taking money into your ward because of what we've done. So, when we do this, make tough decisions to keep this City going, to keep your roads safe, and you vote no and I vote yes -- you're always up here yelling politics – I take the political hit, but I make sure your ward gets taken care of and the councilmen-at-large make sure your ward gets taken care of. And if there was politics like Cleveland politics, your ward would look like Beirut, but it doesn't, and that's because there are six men up here making the tough decision. I respect your position, I don't respect where you're coming from. And that's all I'm going to say on that.

Mr. Kraus – Mr. President.

Mr. Gallagher – Mr. Kraus.

**ORDINANCES AND RESOLUTIONS (cont'd):**

**Ordinance No. 2009-253 (cont'd):**

Mr. Kraus – Yes, I just wanted to indicate, notwithstanding the Councilman's comments, that the ordinance that's been passed tonight is legal, is constitutional; there is nothing inconsistent with the action that Council has taken with respect to the income tax credit, there is nothing inconsistent with the Ohio Revised Code or the Ohio Constitution or any other legal precedent. In fact, it is a responsibility of this Council to determine the extent of the income tax credit. The question of imposing a tax, as this Council has done in the past, has and does go to the people, whether it's one percent or two percent or more – plus or minus. But the issue of the tax credit is a councilmanic function and this Council has proceeded totally in accordance with law; nothing unconstitutional here. Thank you.

**Ordinance No. 2009-257** by Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT ROYALTON ROAD AND PROSPECT ROAD (PARTS OF PPN'S 393-15-002; 393-15-003; 393-15-004) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) 1<sup>st</sup> rdg: 12-21-09. *Favorable recommendation by Planning Commission 12-22-09.*

***Second reading. Referred to Planning, Zoning and Engineering Committee. Public hearing set for February 16, 2010.***

**Ordinance No. 2009-258** by Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT ROYALTON ROAD AND PROSPECT ROAD IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION (PART OF PPN 393-15-002), AND DECLARING AN EMERGENCY. (Robert Benjamin, Agent for Diana L. Miller Trust, Owner. Proposed General Business) 1<sup>st</sup> rdg: 12-21-09. *Favorable recommendation by Planning Commission 12-22-09.*

***Second reading. Referred to Planning, Zoning and Engineering Committee. Public hearing set for February 16, 2010.***

**Ordinance No. 2010-001** by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING SECTION 1250.03 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY TO ESTABLISH A NEW ZONING MAP.

***First reading. Referred to Planning Commission and to Planning, Zoning and Engineering Committee.***

**ORDINANCES AND RESOLUTIONS (cont'd):**

**Ordinance No. 2010-002** by Mayor Perciak and Mr. Coyne. AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION WITH THE OHIO EPA FOR SURFACE WATER IMPROVEMENT GRANT FUNDS IN CONNECTION WITH THE FOLTZ PARKWAY EXTENSION-PHASE II PROJECT IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. Coyne. All members present voted aye and the motion carried.

**Motion for adoption by Mr. DeMio, second by Mr. Coyne.**

**Roll Call: All ayes. Motion carries. Ordinance No. 2010-002 ADOPTED.**

**Ordinance No. 2010-003** by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED BICYCLES IN THE POSSESSION OF THE CITY'S POLICE DEPARTMENT TO OTHER PUBLIC AGENCIES OR NON-PROFIT ORGANIZATIONS, INCLUDING THE OHIO CITY BICYCLE CO-OP, PURSUANT TO THE OHIO REVISED CODE.

Motion by Mr. DeMio to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. Coyne. All members present voted aye and the motion carried.

**Motion for adoption by Mr. DeMio, second by Mr. Coyne.**

**Roll Call: All ayes. Motion carries. Ordinance No. 2010-003 ADOPTED.**

**COMMUNICATIONS, PETITIONS AND CLAIMS:**

Application for Liquor Permit – STCK-D5 - To: KP Pearl LLC, 13339 Pearl Road, Strongsville, OH 44136. (Responses must be postmarked no later than 01/08/2010)

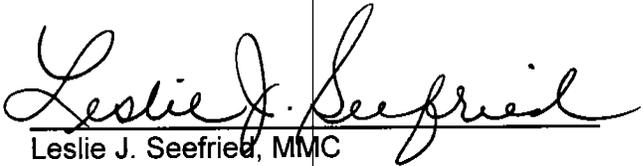
*There were no objections to the above application.*

**MISCELLANEOUS BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before this Council, Council President Gallagher adjourned the meeting at 8:54 p.m.

  
Leslie J. Seefried, MMC  
Clerk of Council

**APPROVAL DATE: January 19, 2010**