

MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING

HELD ON FEBRUARY 17, 2004 IN THE COUNCIL CHAMBER

The meeting was called to order at 8:00 p.m. by the President of Council, Raymond L. Haseley. All joined in the Pledge of Allegiance to the Flag.

CERTIFICATION OF POSTING:

The Clerk of Council certified that the meeting had been posted according to the requirements of Ordinance No. 1984-94.

ROLL CALL:

Present were:	Mayor:	Thomas P. Perciak
	Council Members:	Patrick J. Coyne Michael J. Daymut Joseph C. DeMio Michael J. Gallagher Raymond L. Haseley James A. Kaminski Mark A. Roth, III
	Law Director:	Kenneth A. Kraus
	Finance Director:	Donald C. Batke
	Service Director:	Joseph M. Walker
	Economic Development Director:	Eugene P. Magocky
	Chief of Fire:	Paul Haney
	City Engineer:	Mark J. Sunyak
	Senior Director:	Barbara Nyegran
	Building Commissioner:	Anthony J. Biondillo
	Interim Recreation Director:	Stephen F. Kilo
	Clerk of Council:	Leslie J. Seefried

Motion was made by Mr. Daymut and seconded by Mr. DeMio to amend the agenda by adding Ordinance Nos. 2004-70, 2004-71 and 2004-72. All members present voted aye and the motion carried.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting held on February 2, 2004 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

Mr. Haseley – Do you have anything this evening, Mayor?

Mayor Perciak – Yes, I just have one. To the Board of Zoning Appeals, the reappointment of Richard D. Baldin.

Motion was made by Mr. Daymut and seconded by Mr. DeMio to confirm the Mayor's reappointment of Richard D. Baldin to the Board of Zoning Appeals. All members present voted aye and the motion carried.

REPORTS OF COUNCIL COMMITTEES:

BUILDING CODES AND CEMETERY – Mr. Roth: Thank you, Mr. Haseley. Tonight we've got three Ordinances within my committee up for Council's perusal, and vote your conscience: 2004-63, 68 and 69.

I would really like a status report on what we found – not tonight, it can be in memo form sometime this week – from the Building and Police Department regarding the noise pollution on Idlewood Trail.

I would also like an update on the storm water problem in Meadowood IV.

Also, the CSX lights, I really think, really, the traffic lights at Prospect and Westwood, it's beyond the point of just waiting patiently for CSX to do their thing there so we can tie into the system; I really believe we either need to tie into the system or do something to mandate that they finish up their act there so we can tie in those lights.

Also, the Twilight Zone house; Mr. Biondillo, if you could, just at your convenience, give me an update on where we're at with that vacant home on Prospect.

And 9404 Fair, completing the extension, Mr. Walker, for the residents, May, there on Fair Road.

Do we have any sort of decision on the old library? Are we going to build an extension for the Police there, facility for the Police? Relocate Council Chambers over there and let the Police expand into this facility? I would really like to have Council as a whole kept apprised on that and I'd like to see us make a decision on the old library soon.

Mr. Roth (cont'd) – I would like some information on the VFW also, what's going on there, some answers to my questions that I've raised in the past.

Mr. Biondillo – Council President, Councilman Roth.

Mr. Roth – Yes.

Mr. Biondillo – I can respond to that, if you'd like.

Mr. Roth - Sure.

Mr. Biondillo – I spoke to the captain, I believe it was, today, of the VFW; they have no intention of doing anything there, all they want to do is bring their both properties into the same zoning classification. There is no intent to put any structures or anything else up on that property.

Mr. Roth – Okay. Are they aware of the commitments made in 1992 to not build on the two northern parcels?

Mr. Biondillo – Yes. In my conversation with them, they were aware of that.

Mr. Roth – Alright. If they're...

Mr. Biondillo – The only issue they had is wanting to bring all of the zoning on that property to the same zoning, that's it.

Mr. Roth – Everyone, the residents are voicing to me that that may be in order to consolidate the land to sell. Now, does the commitments made to protect Strongsville Boulevard transfer if that property is sold?

Mr. Biondillo – That I couldn't answer, that would be a question for the Law Department.

Mr. Roth – Mr. Kraus, if you can respond to that.

Mr. Kraus – Well, I will have to look at that, but I can report that our department did forward a letter to the Council President about the VFW. Ray, I don't know if you've received that yet or not.

Mr. Haseley – I have, I don't have it with me.

Mr. Kraus – You might want to distribute that.

Mr. Haseley - I haven't had a chance, I just picked it up this morning.

Mr. Roth – Okay, thank you.

Mr. Haseley – Mr. Roth, can you keep your comments here to the reports, please?

Mr. Roth – Yes. And that's all I have within this report.

Mr. Haseley – Okay, fine. Thank you very much.

Mr. DeMio – Ray, briefly.

Mr. Haseley – Yes.

Mr. DeMio – I talked to Mr. Biondillo and Mayor Perciak regarding Crystal Creek and a variance issue on a fence. Mr. Biondillo, will you kind of explain the confusion there and why the association has not gotten notice yet about that?

Mr. Biondillo – Yes. Council President and Councilman DeMio. We felt that there was a violation of the ordinance there. A notice went out on February 11th, that notice was actually delayed somewhat, just lack of manpower going through this budget, we were delayed probably a week longer than we should have. The notice went out, we gave fourteen days to make the corrections and make the proper application for a variance. We received a notice from that resident's attorney stating that they had no intention of applying for a variance and I'm assuming we will go to the summons portion and then that issue will be decided in the courts. Now, understand it's going to take some time to go through that process; I have no control over, once it does go to the court system, how many appeals they file and how long that process will take. Thank you.

Mr. DeMio – And the two letters dated February 11th and then February 13th I can share with that association?

Mr. Biondillo – Absolutely.

Mr. DeMio – Okay, thank you, I'll keep them in my file then. Thank you.

Mr. Haseley – Thank you. Any other questions for Mr. Roth?

Mr. Coyne – Mr. Haseley.

Mr. Haseley – Yes, Mr. Coyne.

Mr. Coyne – Just a couple quick questions under Building. Laura Schemer and the Kelleys on Blackberry Circle, they contacted me about their problem with the sanitary and storm lines. Has anybody followed up with them from my memo from February 9th?

Mr. Haseley – Your memo to who?

Mr. Coyne – It was to Mark Sunyak; actually it was to the Mayor and I copied Joe Walker and Mark Sunyak. They called me and told me that they were a victim of the May 10th storm and they said they were told that their storm and sanitary were switched and that's why they were having the problems that they were and, at the time, that we were going to try to go back on the builder to do something about that. And they told me they haven't heard for awhile, so I was just wondering, do we have any updates for them?

Mr. Kraus – Mr. President. I think, Tony, didn't you just send letters out on those?

Mr. Biondillo – Yes. Council President, Councilman Coyne. We did send notices out to the builder, the builder is no longer in business. We sent a notice out either Friday or this morning to those residents responding to that issue.

Mr. Coyne – And part of my memo said, unfortunately the builders are long gone and the chances of them coming back and doing the work are probably impossible. So what was the...since I just heard about it now that the memo I sent a week ago, what's your response to them, that we're going to do nothing?

Mr. Biondillo – No, that issue does have to be corrected.

Mr. Coyne – Well, so I can properly convey them the message, how is it going to be corrected? Are they going to incur the cost or are we going to incur the cost? Because, of course, the first question they passed on to me was that we approved it and I said, well, if we're unable to go back on the builder, I can't tell you what's going to happen. So, so I can properly tell them so I'm not stringing them along, should I just say we're not doing anything about it, or..?

Mr. Biondillo – Unfortunately, it's our opinion and the Legal Department's opinion that that issue has to be resolved by the resident.

Mr. Coyne – Okay. That's all I need to tell them and, alright, I'll pass that along to them.

Also under Building, Mark, did you receive my memo on all the updates that you need to provide residents? Did you get that memo?

Mr. Sunyak – Regarding the storm and sanitary sewer study?

Mr. Coyne – Jones, Ironmonger and Dighero?

Mr. Sunyak – Yes, they've all been called.

Mr. Coyne – Are you going to meet with Mr. Dighero, set up a date?

Mr. Sunyak – I'm not sure if we have had a call back from him yet.

Mr. Coyne – Okay, I'll follow up with you on that because I have a few other residents.

And on Settlers Village, did we...that question that the president of the association passed on to me, do you any answer for it yet?

Mr. Sunyak – Mr. President, Mr. Coyne. I did talk at length with the representative from the management company regarding that.

Mr. Coyne – Well, since I wrote the memo, can you tell me what you might have said to him?

Mr. Sunyak – She had some additional questions regarding the items that were discussed at the homeowners association meeting; I've re-answered some of those questions that she had. She... I forget the lady's name, I apologize...

Mr. Coyne – Sandra Heath.

Mr. Sunyak – She had contacted...Mrs. Heath did contact the Soil and Water Conservation District and they were contacting an engineer to review that, and I don't know that they've heard back yet from the engineer.

Mr. Coyne – About us taking over the basin?

Mr. Sunyak – No, about what corrections could be done to that basin.

Mr. Coyne – Right. Well, I was... I'm sorry, you probably misunderstood; I was directing my question regarding the retention pond. You have no idea about that?

Mr. Sunyak – No, that's... they were going to retain the services of an engineer working for them to review what could be done if the options that were discussed at the homeowners association meeting, which of those could be done, and to put some more distinct cost figures on those.

Mr. Coyne – Well...

Mayor Perciak – Mr. President, if I may, Councilman Coyne. I thought we discussed that with the homeowners there that we could not take over the retention basin, or with the pond. I thought that was discussed there with the residents.

Mr. Coyne – They...

Mayor Perciak – I mean, I was pretty clear that the law didn't allow us to do that.

Mr. Coyne – Obviously, she wasn't, because it was brought up again.

Mayor Perciak – I mean, it was... I mean, we were all there and we...

Mr. Coyne – Right. That's what she asked me.

Mayor Perciak – I mean, I don't know what else to say...

Mr. Coyne – Right. Well...

Mayor Perciak - ...I mean, right now we just don't have the authority to do it.

Mr. Coyne – Well, she has her answer now.

Mayor Perciak – Okay.

Mr. Coyne – Okay. And, you know, I don't write these memos...I write them because the residents call me and ask me, so, I realize sometimes you're busy, you can't get back right away, but, you know, I need to know, get back to these residents what's going on. And, you know, a week to ten days is, you know...

Mayor Perciak – Yeah, but Pat, I think the memos should come to me, and I haven't seen them.

Mr. Coyne – Yeah, I did copy you, Tom.

Mayor Perciak – But, again, I think the memos, as far as any of the directors, should be directed to me and then I will discuss it with the director.

Mr. Coyne – I copied you on all of them and gave it to the directors.

Mayor Perciak – But it's not directed to me, Pat.

Mr. Coyne – Alright. Well, I'll just direct everything to you and you can talk to the directors, but...

Mayor Perciak – We can do that.

Mr. Coyne – Is that the way you want me to do it?

Mayor Perciak – Yeah, that's the way I asked you to do it anyway, so at least I'm aware of it.

Mr. Coyne – Okay. That's the way I'll do it, and just as long as they can get back to me in a timely fashion. A week to ten days is, you know, kind of a long time for people to wait.

Mayor Perciak – In all fairness, you know, Pat, I agree it's a long time, but as you know, we've been trying to get the Route 82 situation resolved and the Engineer's been extremely busy trying to get that done, so...

Mr. Coyne – I know, but...

Mr. Sunyak – Mr. President.

Mr. Haseley – Yes.

Mr. Sunyak – For the record, Sandra Heath was called the same day the memo was received in the Engineering Department.

Mr. Coyne – But not Judy Jones, Kathy Ironmonger and Lou Dighero.

Mr. Sunyak – I don't believe they were called the same day, no.

Mr. Coyne – Thank you. That's all I have.

Mr. Haseley – Thank you. Anybody else for Mr. Roth?

(None)

FINANCE – Mr. Gallagher: Thank you, Mr. Haseley. There is nothing before Finance this evening.

Mr. Haseley – Any questions for Mr. Gallagher?

(None)

INDUSTRIAL/COMMUNITY DEVELOPMENT – Mr. Daymut: Thank you, Mr. Haseley. Industrial/Community Development has no ordinances or resolutions on this evening's agenda. I would like to announce we will have our next committee meeting next Monday, February 23rd, at 7 p.m. here in Council Chambers. That's all I have this evening, Mr. Haseley. Thank you very much.

Mr. Haseley – Any questions for Mr. Daymut?

(None)

PLANNING, ZONING AND ENGINEERING – Mr. Haseley: Planning, Zoning and Engineering met this evening with two Ordinances on the agenda: 2003-285, the recommendation is to adopt; 2004-65, place on first reading, refer to Planning Commission and back to committee. If anybody has any questions, I'll be glad to try to field them.

(None)

PUBLIC SAFETY – Mr. Daymut: Thank you, Mr. Haseley. Public Safety has no ordinances or resolutions on this evening's agenda. We did meet on Monday, February 9th, at 6 p.m. Concerning the Fire Department and the Police Department, communications has been upgraded, thanks to the aggressive pursuit by Brook Park and by all the other communities that we're involved with for receiving a \$650,000 grant, it will at least keep us running for a little while. We sorely are in need of that and we do appreciate all the effort that was put in on our behalf by the other communities, especially Brook Park, that did receive that. We discussed the storage garage possibly being granted by the county for equipment there that we have for the HAZMAT team. The Ward 4 fire station, we did discuss that briefly, the staffing. There will be a grant for the Fire Department towards the end of the year that might provide for a hundred percent reimbursement; we await for the federal government to give us the information on that. We did discuss the EMS billing and it was agreed that we would pursue the way the bills are done at this particular time, but I still think that we need to take a serious look at the fact that the residents are billed for the differences when they are our particular residents. It's my understanding that when it's brought to our attention we do take care of that, but perhaps if we can refine that system so our residents are not receiving bills for the difference in the amount that the insurances have already paid. I don't think that was the intent of Council or the Administration to have that done for our residents. We did discuss communications for the Police Department; as you know, we're well behind on our 911 and various forms of communication equipment that's needed. We find ourselves, obviously, in a terrible situation for our finances, but we are still at least looking at the areas that need to be addressed. We did discuss the satellite station at the north end and, as you know, it has been removed, Mr. Roth brought that up, and we have perhaps the permission from Salvation Army to relocate that, there would be significant costs involved in bringing that trailer back with the setup costs. It was also discussed the fact that we do have the station, at the Ward 1 Fire Station on Webster Road, we do have a satellite police station there that reports can be filled out at. And, until we're able to come up with a more permanent solution, perhaps we could utilize that and keep the officer in the area to provide for the needs of the residents and the businesses down there. And, as usual, pursuing all grant funding sources that would be available. As far as emergency notification goes, we are tending towards an internet based system. Our next meeting will be Monday, March 8th. That's all I have this evening, Mr. Haseley. Thank you very much.

Mr. Haseley – Thank you, Mr. Daymut. Any questions for Mr. Daymut?

Mr. Roth – Mr. Haseley.

Mr. Haseley – Yes, Mr. Roth.

Mr. Roth – Just to reiterate my comment there. You know, we have the trailer, the cost would be very minimal to bring the trailer back there. We're paying a substantial cost to have a satellite station in an area where it's also needed, but we really should prioritize and where we get most of our calls and most of the action, that's where the trailer should be and that's where the satellite station should be, on northern Pearl Road near the motel row. So again, I implore Council to do the right thing, the thing that makes common sense, and put the one satellite station we're going to keep open where all the action is.

Mr. Daymut – Mr. Haseley.

Mr. Haseley – Yes, Mr. Daymut.

Mr. Daymut – Just for my own opinion on it, you know, hopefully, we do have an issue on the ballot March 2nd, Issue 17, that might take away some of the need for that satellite station. So we'll see how that all goes and how it plays out and we probably need to make a decision after that, Mr. Roth, so that we'll see what direction that entire area's going to take and see if there will be a need for a satellite police station in the area.

Mr. Roth – Mr. Haseley.

Mr. Haseley – Go ahead.

Mr. Roth – You know, that Whitney Crossing has nothing to do with the four or five motels on my side of the street, so that's not going to solve the problem, the majority of the problem. So, even a...whatever the vote is on March 2nd, and I'm still waiting on that issue for the commitments from the Administration and the developer on the traffic lights, the widenings, the traffic flow of the intersection and handling the storm water. We were going to get concrete answers on the traffic and storm water control before the election and my ward's waiting for that. So, that's all, Mr. Haseley.

Mr. Haseley – Thank you.

SOUTHWEST GENERAL HEALTH CENTER – Mr. Gallagher: Thank you, Mr. Haseley. There will be a meeting the 25th of this month at seven o'clock and I'll be in attendance a little bit late, but I'll be there.

Mr. Gallagher (cont'd) - But I had a comment on Mr. Daymut's Public Safety Committee regarding the satellite stations, and I agree with Mr. Roth, common sense would dictate satellite stations be placed where they're needed, Ward 4 being the only ward without a fire station. Each and every ward has a fire station where the police can go, do their reports; that was the intent of the satellite stations, not to deter crime, because there's not a thing in the world, I can tell you, that a trailer's going to stop a criminal. But common sense would dictate that Ward 4's, no matter what the cost, would stay open until, if common sense would dictate, we get our fire station, as promised by this Council sixteen months ago, or, I should say, more like thirteen months ago, with a promise that in sixteen months we would have our fire station built and staffed, which is not going to happen. I would agree with Mr. Roth, common sense would dictate Ward 4's station stay alive. Thank you.

Mr. Haseley – Any questions for Mr. Gallagher?

(None)

PUBLIC SERVICE – Mr. Kaminski: Yes. Public Service met this evening to discuss 2003-281, which is the solid waste renewal contract; we're going to put that on fourth reading and vote on that at the next Council meeting. We also discussed several Ordinances concerning State Route 82 widening, those Ordinances are 2004-51 all the way through Ordinance 2004-60, and lastly, 2004-61, all of those will be suspension and adoption. And my hat's off to Mark Sunyak and the Engineering group for the fine work that they're doing with the Route 82 project and keeping that on track. Also, I'm pleased to announced that 2004-67, which was from the Mayor and all members of Council, it's a Resolution authorizing the Mayor to bid for the Royalton Road widening from 71 to 130th, and we will be voting on that as well this evening. That concludes my report.

Mr. Haseley – Thank you, Mr. Kaminski. Any questions for Mr. Kaminski?

Mr. Roth – Yes, Mr. Haseley.

Mr. Haseley – Mr. Roth.

Mr. Roth – Just would like, as I said on the memo last week, the intersection of Albion and Prospect, going eastbound on Albion, I'd like that loop on Albion checked out, it seems to be giving a lot of my constituents in my ward trouble. If they're not pulled up far enough, they're skipped; if someone cuts the intersection too close, they're skipped. So if you could really take a look and get back to me with a response on that...

Mr. Sunyak – Mr. President.

Mr. Roth - ...Albion/Prospect.

Mr. Haseley – Yes, Mr. Sunyak.

Mr. Sunyak – To Mr. Roth. Mr. Roth, that was checked today; all of the detectors are working properly. When a vehicle pulls up to the stop bar, just like at all the signalized intersections, that loop will activate and a car turning won't activate the signal prematurely. There is a period of time, wait, that the car needs to be sitting on that loop before it will activate the signal. So, everything appears to be working fine and we can follow up and check that again later in the week.

Mr. Roth – Well, you know, I'm getting voiced to me that people are in a reasonable spot and they're not triggering that light, so if we can be absolutely sure there. And I hope we don't have an exorbitant amount of time where, you know, it takes to trigger that, either.

Mr. Sunyak – We can recheck that, Mr. Roth.

Mr. Roth – Okay, thank you.

Mr. Haseley – Thank you. Any other questions?

Mr. Gallagher – Mr. Haseley.

Mr. Haseley – Yes, Mr. Gallagher.

Mr. Gallagher – One thing, Mark and Mayor. Could we go to the blinking light on Pearl during the down hours? I've talked to the Police Chief and we've discussed this many, many times before, we've got people sitting at lights at one, two o'clock in the morning for two and a half minutes or two minutes and ten seconds; it seems unreasonable.

Mayor Perciak – Mr. President. Mark, do you want to answer that? I thought we talked about that.

Mr. Sunyak – Yes. The signals at eleven o'clock go to what's called on-demand and it will stay green for Pearl Road, for instance, in the situation that you shared with us, and what should be happening is those lights should then, as soon as a car pulls up on the side street after a minimal amount of time, something like fifteen seconds or so, should permit a car on the side street to go out. So I know we had checked that previously, I'll have to double check and see if that is, in fact, still happening after eleven o'clock.

Mr. Gallagher – Like Mr. Roth said, I can tell you that it doesn't seem to be working or we're pulling up to the wrong spot because I just get inundated with concerns about that. And then you have residents going through the red just to get out because they're frustrated.

Mr. Gallagher (cont'd) - I really don't understand why we can't go back to the blinking yellow, it doesn't seem to be an issue with the Police Department. Unless it's impossible to do, I mean, I've not been told that, either.

Mr. Sunyak – Well, all I can say is I did briefly discuss that with the Police Chief and there were some intersections that may be considered, but all of the intersections, and I don't want to speak for him, all of the intersections are not candidates for doing that, so...

Mr. Gallagher – Well, I'm not talking about all the intersections, just the ones that we've identified, and I've given you that list. And I don't see why we have to pull up to Marc's and come to a stop on Pearl, you know.

Mr. Sunyak – I will revisit that with the Police Chief.

Mr. Gallagher – Okay, thanks.

Mr. Haseley – Any other questions?

(None)

RECREATION/SENIOR AND FAMILY PRESERVATION – Mr. Coyne: Thank you, Mr. Haseley. First I'd like to commend Steve Kilo. Steve, I had an opportunity to get to the Rec Center four times during the past week and you're not missing a beat, everything looks good, well run, doing a good job, and I appreciate your picking up the ball and running with it with the exit of Mike Svetz. You're doing great, everything...I've had a chance to walk through there, it looks really good, and I wanted to commend you on it. In a short period of time, you're doing a real nice job. I appreciate it.

I'd like to call a Recreation/Senior and Family Preservation meeting, I will contact Leslie to try to tie it in with everybody else's.

The only other question; Barb, I didn't get a chance to call you today, could you provide me with a comprehensive schedule of the senior transportation?

Ms. Nyegran – Yes.

Mr. Coyne – I appreciate it, thank you. That's all I have this evening. Any questions?

Mr. Haseley – Thank you. Any questions for Mr. Coyne?

(None)

SCHOOL BOARD – Mr. Roth: Believe there's a meeting Thursday, so I'll be in attendance; otherwise, I'll wait till then.

Mr. Haseley – Thank you. Any questions for Mr. Roth?

(None)

UTILITIES, RAILROADS AND FRANCHISES – Mr. DeMio: Real briefly. I had an opportunity to talk to Greg Sponseller, Mayor, Greg is the Law Director over in Berea, he said there were some new issues in Congress to help us with quiet zones. And since there are many minutes between Mark Roth, Mike Daymut, Pat Coyne, myself, everyone on Council has already brought it up many times, you may want to...they gave me a host of information that your Law Department may want to contact the Berea Law Department. I saw him today about three o'clock, funny enough.

Mr. Kraus – Mr. President, Councilman. We already have a copy of some of that. Federally, there's also some measures that have been introduced in the legislature but haven't gone anywhere yet. And I'd be happy to furnish you with whatever information that we've received so far.

Mr. DeMio – Before you give that to me would you, if it's okay with the Mayor, give a copy to Joe Walker? Because the specs are the important issue for the funding for those quiet zones.

Mr. Kraus – Right. You're correct because...

Mr. DeMio – And maybe we can identify what areas qualify, because they're up to date properly, and what we need to improve on. Maybe Joe can let us know and then we'll work from there and talk to our Congress folks and maybe get some assistance there.

Mr. Kraus – We'll do that because you're correct, as you know, the key to it is going to be certain equipment that we would have to purchase and install at some of those crossings. So, I will furnish the information to Mr. Walker tomorrow.

Mr. DeMio – Joe, if you think we should get it to our committee, just make sure everyone gets a copy of it, and if you'd copy me as well, that's fine. Okay, that's all I have. I'll field questions otherwise.

Mr. Daymut – Mr. Haseley.

Mr. Haseley – Mr. Daymut.

Mr. Daymut – Mr. DeMio, I know that the Administration has been focusing on the acquisition of land for the 82 right-of-way and I think we should wrap that up this evening, at least concerning the sewer line, so I think if we can, before we are going out to bid for that project and I think it'd be in our best interest to at least get the information over to the people if we can, concerning the possibility of installing a sanitary sewer line there. I think that that's the least we owe them after all this period of time, so.

Mr. DeMio – And again, my standard request is the moment that the Law Department feels it's appropriate to go ahead, with the Mayor's approval, and notify those folks, then I will call any meeting at any time. We have two more with the sewer issue, right, Mr. Kraus, is that... the two left, or are we totally done now?

Mr. Kraus – Well, there's one left, but as far as, you know, responding to your question about the question of an assessment, there have been some Council members that had indicated through correspondence that they're not in favor of assessments. As you know, a resolution of necessity with respect to a potential assessment would require a three-quarters vote on Council, or at least six members. So, first of all, I think Council's going to have to determine whether or not there's sufficient support to proceed with an assessment; if there is, then if you let us know that, then we'll prepare the legislation to pursue that, that would be the appropriate manner in which to proceed and to introduce that and then that would be before Council and before the public.

Mr. DeMio – Well, I'll tell you the truth, this isn't something that a lot of the Councilmen are familiar with because this is something that we've done...we haven't done it really in quite some time. Can you give us an outline on that? Leslie, if we do have a special Council meeting, we might as well assume that the final sewer issue will be resolved soon and then we could talk about the outline which Ken Kraus will be giving us. If that's okay with the Administration, then we can do it.

Mr. Kraus – Mr. President, Councilman. We'd be happy to provide you with that information.

Mr. DeMio – But go ahead and set up the agenda for that committee meeting and the way you'd see it as appropriate, because really you're going to be more leading that meeting than anyone else. You know what I'm saying? Just to make sure the legalities are in order and everyone understands the process of making sure that...

Mr. Kraus – Right, but Mr. President, Councilman, I think the key point is whether or not there is sufficient support on Council really to proceed with this, since there's been some indication by some members in letters that have gone out that they would not be, apparently would not be in favor of that.

Mr. Kraus (cont'd) - If there really isn't sufficient support, then there really isn't any reason to undertake the time and effort by Council or anybody else to further explore the issue. So perhaps...I'll get the information together and perhaps we can talk about it a bit if I contact you.

Mr. DeMio – That's fine. You know, the biggest, unfortunately for Mike Daymut, the biggest job is him to caucus with his residents. And I'll be providing a meeting for that if you want, Mike; whatever you want me to do, I'll do. Not a problem.

Mr. Daymut – Mr. Haseley, Mr. DeMio. Thank you, and I appreciate that. But my problem that I'm running into right now is even to take something back to the residents initially before we go for an appropriations ordinance. I mean, what has happened is we've been provided some figures that may be accurate, may not be accurate, we're not sure ourselves, and over the course of our meetings together, but unfortunately, the residents are not informed what it could possibly cost them. And I think that probably should be the first avenue that we pursue. So then at least we can make them aware approximately what their cost might be should we pursue it. And I think that would, in all fairness to the residents, that should happen.

Mr. DeMio – Let's make it even clearer. Let's let Mr. Kraus give us the outline, let's... this is all with the Mayor's approval; let Mark Sunyak give us the detailed amount, if he can go over those numbers with Mr. Batke, the Finance Director, so then we can talk about it in committee, that whole platform, so we can do it all at one time. Mike, if you want us to do it right here in the open forum where it's comfortable for the fifteen or twenty or thirty people that want to be here, so be it, I'll provide that, as long as the President of Council allows Leslie to be here to organize the minutes. However it works, let's try to keep...let's not make the residents show up at fifteen more meetings.

Mr. Daymut – No, I agree.

Mr. DeMio – That was my only thing I wanted to accomplish, we've already had four or five meetings.

Mr. Daymut – Mr. Haseley, Mr. DeMio. I agree with you wholeheartedly. I think the first course of action, if I could possibly prevail here, was to get some initial information to the residents first, then I think we can have the meeting, I think that would be the most productive way to approach this.

Mr. DeMio – Well, we can send them the information and schedule the meeting.

Mr. Daymut – Correct.

Mr. DeMio – So they have everything at one time.

Mr. Daymut – Correct.

Mr. DeMio – That's fine.

Mr. Daymut – At least they will have the information prior to.

Mr. DeMio – If you get information, just call me, page me, you have all my numbers.

Mr. Haseley – Why don't you two figure it out over lunch?

Mr. DeMio – Are you buying, Ray? Ray, you buying?

Mr. Daymut – I don't eat lunch.

Mr. Haseley – I'm not coming.

Mr. DeMio – If Haseley's buying, I'm going. Whatever you guys want to do is fine.

Mr. Haseley – I'll be glad to do that.

Mr. DeMio – Thank you.

Mr. Roth – Mr. Haseley.

Mr. DeMio - I'll be glad to pick the place, then.

Mr. Haseley – Mr. Roth.

Mr. Roth – Thank you. Just want to thank Mr. Walker for the progress on the Ward 3 street lights, it's very much appreciated. And I realize the asphalt plants are not open yet, but just want to voice for the residents that, you know, the tracks, especially on Albion, the railroad tracks are deteriorating. They seem to sink more and more each year and we don't get any cooperation from CSX, so if we can maybe on our property shave the road in the spring to level that out, it would be appreciated.

Mr. Walker – We'll do what we can do.

Mr. Roth – Thank you. That's all, Mr. Haseley.

Mr. Haseley – Thank you. Any other questions?

(None)

RULES AND ORDINANCES – Mr. Haseley: Council-As-A-Whole met this evening with four Ordinances: Ordinance Number 2003-208, place on fourth reading, back to committee; 2004-47, place on second reading and refer back to committee; 2004-64, the recommendation is to suspend and adopt; and 2004-66, place on first reading and refer back to committee.

I met with the Law Director this morning, or this afternoon, rather, to go over all the Ordinances and Resolutions to see if they're in proper legal order. Mr. Kraus, I would ask that you verify that.

Mr. Kraus – Yes, they're in proper legal form. Thank you, Mr. President.

Mr. DeMio – Ray.

Mr. Haseley – Thank you. Yes?

Mr. DeMio – Just another clarification. We are not now voting on 47, is that correct?

Mr. Haseley – That is correct.

Mr. DeMio – So, we're not voting on 2004-47. That's fine. That's what I told my two colleagues to the right and left, I just wanted to make sure that was correct. Okay.

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

Mayor Perciak – Yes, thank you, Mr. President. I would like to discuss, or I have a prepared comment on Ordinance Number 2004-66. As you know, the Council President has seen fit to introduce Ordinance Number 2004-66 this evening, which, if approved, would reduce from one hundred percent to seventy five percent of the income tax credit on the amount of income tax paid on taxable income by a City of Strongsville resident to another municipality. Under our City Charter the Council, of course, has the obligation to appropriate funds for City services and operations, and the Mayor does not have the responsibility or the ability to legislate such measures. However, after several months of due diligence, careful study of the City's finances and, frankly, a lot of personal consideration and agonizing over this issue, I feel it incumbent upon me as your Mayor to publicly endorse Councilman Haseley's effort in this regard. I say this because I have concluded this measure is now a necessity that overall will be in the best interests of the citizens of Strongsville and will ensure that your City government is able to maintain the level of services and the quality of life to which you have become accustomed and to which you are entitled. For these reasons, we need to do what is fair, reasonable and honorable to keep Strongsville the best location in the nation.

Mayor Perciak (cont'd) - Therefore, I am asking for not only the support of Council, but also the support of each and every one of you to keep our community great. Thank you.

Mr. Haseley – Thank you. Anything else, Mayor?

Mayor Perciak – That's it.

Mr. Haseley – Any questions for the Mayor?

Mr. DeMio – Mayor, may I just real quick?

Mayor Perciak – Yes.

Mr. DeMio – And Pat kind of hit on it earlier with Mr. Kilo, but I had two separate parties come up to me about the way the facility looks and how well his folks, our folks, your folks, treat them; made a phone call to my home, and I thought that was important to say that. We've touched on quality of life, that also applies to the Rec Center as well and, Steve, I want you to know that. So thank all the workers down there because those are unsolicited requests, I just felt it was important to say that on the record.

Mayor Perciak – Thank you, Joe.

Mr. DeMio – You're welcome.

Mr. Kaminski – A comment, as well. Mr. Haseley?

Mr. Haseley – Yes.

Mr. Kaminski – I just want to go on the record with Mayor Perciak and Mr. Haseley that I also plan on supporting the income tax reduction. We've looked over this budget for several months, the Finance Director has warned us that this day was coming and in order to do the right thing, this is truly a tough decision, but I know deep down inside it's the right decision to do. And the people who call me, I tell them honestly I'm voting for it and this is why and this is why we need it, and most people have been very receptive to it. So, I appreciate your support of the City and I hope the other Council members will see fit to support this as well. That's it.

Mr. Haseley – Thank you, Mr. Kaminski. Anything else for the Mayor?

Mr. Gallagher – Mr. Haseley.

Mr. Haseley – Mr. Gallagher.

Mr. Gallagher – Being Finance chair and having chaired Finance now for the past four years, I think it's important that all the citizens understand where the City's at and truly how important it is, the crossroads that we've come to. It would be easy to point fingers and lay blame and do all kinds of things that would be counterproductive and I don't think that's where we need to be right now. What we have is bare bones budget, what we have are City services that are exemplary, what we have are City workers that are beyond reproach, and what I can't do is vote to shut this City down. I can't do it and I won't do it. I've tried my best to keep things under check as best I could and I'm supporting this myself because, as I said, to start laying people off, to start stopping the service that you expect, is going to drastically affect what this City's going to turn into and I can't, in all good conscience, do that, I can't do it. So, begrudgingly, I have to support this because it's the right thing to do at this moment in time. There is nowhere else to go. And, as I said, I can't, I can't tell people that we're going to stop performing as a City, and that's exactly where we're at. And, when given that choice, there is no choice. So I would hope that after having handed an unbalanced budget back to the Mayor for what I would imagine being the first time in the history of Strongsville, that we basically sent the signal that we've done everything we can within our good conscience as far as City services and what we can provide to the people, and we're going to have to back Mr. Haseley's ordinance and support it one hundred percent. I don't see any other way around this, I don't see anything breaking in the future, and, as I said, it really is tearing people apart having to go through what we've gone through. And I understand the heartache that this may cause some people, but the bottom line is, is we are directed and we took an oath to make sure that we can run this City, and this is what it takes. Thank you.

Mr. Haseley – Thank you. Anybody else for the Mayor?

(None)

FINANCE DEPARTMENT – Mr. Batke: Yes, thank you, Mr. Chairman. Funds will be made available for this evening's agenda for those Resolutions and Ordinances up for adoption and requiring certification. Thank you.

Mr. Haseley – Thank you. Any questions for Mr. Batke?

(None)

LAW DEPARTMENT – Mr. Kraus: Thank you, Mr. President. A number of announcements from the Law Department this evening, two with respect to pending litigation. First, in the case of Fodor versus City of Strongsville, we were working with our insurance carrier and their counsel on this case, this involved an accident involving a bicycle, we're pleased to report that the Common Pleas Court has granted the City's motion for summary judgment, which has the effect of dismissing this particular case.

Mr. Kraus (cont'd) - I want to thank Mark Sunyak in particular, he expended a lot of time supporting us in this effort and his deposition was given and it obviously paid off for purposes of the City's interest and position in connection with that litigation.

Secondly, in the Pastorcic matter, which is an appeal with respect to some variances from the Board of Zoning Appeals and an action of this City Council, the Common Pleas Court, where that case is pending, has set a briefing schedule and the briefing schedule will be over the months of May, June and July, and that's been set by the Court.

There's several other announcements. The State of Ohio Department of Development has approved the City's application for a new Community Reinvestment Area Number 20. You'll recall that's across from the Merrick Chevrolet on Route 82, and we've received a formal certification from the Department of Development with respect to that matter.

I'd like to also announce that our Charter Review Committee that Mayor Perciak has appointed is now under organization and that we issued a notification to the public that the first meeting of the Charter Review Committee will be held next Monday in these Chambers, that's on February 23rd, at 7:30 p.m. Mayor Perciak will be there, several members of the Law Department will be there and we will initiate a discussion in scheduling and other matters regarding the Charter Review Committee in accordance with the mandates of our City Charter.

I'd like to also report that I attended on the 16th a seminar put on by the County Law Directors Association. It was well attended and it was very beneficial; there's some new nuances in State law that I'll be reporting to our directors and to the Mayor and to our Council, so it was a very helpful session.

And, finally, my last announcement is in connection with the work that we've been doing on finalizing the last few acquisitions of permanent and temporary right-of-way on Route 82 and the Law Department has been working intensively with our Engineering Department, in particular with Mark Sunyak. We had work to do over this past three day weekend and I want to personally thank Mark for all of his efforts in bringing to a conclusion in an amicable fashion, rather than through litigation, the last few acquisitions that Council has on the agenda this evening by way of amending the agenda. So I want to publicly thank Mark, and that completes my report, Mr. President.

Mr. Haseley – Thank you, Mr. Kraus. Any questions for Mr. Kraus?

(None)

AUDIENCE PARTICIPATION:

David Dudas, 6511 Eastland Road, Brook Park, Ohio – My name is Dave Dudas, Teamster representative from Local 52, 6511 Eastland Road, Brook Park, Ohio. Mr. Council President, Mr. Mayor, Council members and department heads, I represent the Teamster Local 52 service workers, whose contract is expired. Also have delegates here from the Strongsville Firefighters Union and the Strongsville Police Union. All our working agreements, all our people are working under extensions right now. All our contracts have expired, we all signed extensions, okay. Our Teamster building inspectors contract is up at the end of April. All three unions are requesting formally for a meeting with the Mayor, Council, Finance Department and anyone you deem appropriate, to sit down collectively with us to explain where we are going, what we are doing, so that we can inform our membership, your employees, on the matters with regards to the budget and where we're going for negotiations. Thank you.

Mr. Haseley – We'll see if we can get that scheduled in the extreme, very near future, Dave.

David Dudas – Thanks, Ray.

Mr. Haseley – Thank you.

Rich Roskoph, 15032 Wilmington Drive, Strongsville – My name is Rich Roskoph, 15032 Wilmington Drive, Strongsville, Ohio. What I'd like to do tonight is address some concerns about some promises and commitments that were made to me, as well as some other residents on Wilmington Drive. These commitments were made approximately last July, 2003, and they've yet to be fulfilled at all. I'll try to make it a short story here, but the problem began in 2001 shortly after the completion of town homes on the South Port development, which is just west of Wilmington Drive. We started to experience some water problems with backup, I think storm sewer backup is what it was. So over the next couple years we've had several visits from Pat Coyne, Joe Walker, Ray Haseley and Mark Sunyak and they had determined, come to a conclusion that the problem was, in fact, due to the South Port development. There was a natural swale that was filled in and there were no storm sewers that were installed to offset that. They graded the land into existing storm sewers on Wilmington Drive. And I guess to precede that also, the housing development on Wilmington Drive had been there since, I think the houses started in 1980 through '85 was when they were built, and prior to 2001 there was never a storm sewer backup at all, okay. So, finally last year we went through all this, I had people out in the neighborhood a dozen times looking at things, and Joe Walker had a solution and we had to get authorization from the City to pay for it. The authorization was authorized at that time by the acting Mayor. I was informed of that by the acting Mayor, as well as Mr. Coyne.

Rich Roskoph (cont'd) - I was told the project would happen in mid-summer, okay; this was early summer and I guess the land was...the soil was too wet to start the project because of the machinery and that that had to be brought in. So mid-summer came, end of summer came, nothing happened. September I spoke again to Mr. Coyne, Mr. Haseley, and I was promised once again that work would start in September and be completed in September; it was not supposed to be a big project, a week maybe, and it would be done by the end of September. October came and the work had not even been started. More phone calls. November came, the work still wasn't started. So, you see how the story goes. Now, here we are coming into spring, hopefully it'll arrive one day here, and, you know, I'm worried about my basement flooding again. And I've talked to Mr. Coyne and briefly to Mr. Haseley today and now I understand that there may be some concerns about the funding for this, which, I don't think it's a large funding, but I understand the City is under some budget constraints and everything else. However, my question is, and hopefully I can just get an answer on maybe when I'm going to get an answer on this or, you know, some kind of conclusion here. If this project was authorized last year and it was supposed to be on a project board or whatever you want to call it, I don't know, and they're telling me it's going to be done in September; well, here we are in February and now all of a sudden it's not going to be done at all and there's no money to pay for it. And I guess I just don't understand that, that's why I would like to have some kind of answer on it.

Mr. Haseley – Mr. Walker, do you want to address that, please?

Mr. Walker – Yeah, the project was scheduled for last year, Mr. Haseley did approve the project for last year. We had some other priorities, I had to change the schedule on a project, which pushed us into the bad weather. Right now I've been asked by Mr. Haseley, I've been asked by Councilman Coyne for a commitment on the project and at this point, until we get through our budget process, I cannot give them a commitment. As soon as my budget is established and I know what I have to work with, then I'll be able to discuss this with the Mayor and set a date.

Rich Roskoph – Okay. Well, what kind of timeframe would that be, I guess?

Mr. Walker – Well, it's my understanding our budget has to be completed by April 1st and at that point I'll know what I have as far as resources to work on this project and several others.

Rich Roskoph – Well, this...you know, my question is non-confrontational, we just would like to get the problem resolved, I guess, and that's, you know, I mean, this is a two-year issue, I understand there's water issues all over the City and things, you know, are being reviewed and we have budget problems and what-not, but, you know, if this was already authorized last year, you know, I don't understand why we have to get reauthorized this year, so.

Rich Roskoph (cont'd) - It's a project that was supposed to be done and it was already, you know, under the prior governmental authorities, it was already okayed.

Mr. Walker – The problem is, is that we're working under a new budget this year and that's what changes things. Also, an additional caution is the storm water backup that you experienced was from the sewer, the storm sewer main on Wilmington. Improvements in the back yard will improve the surface water, but, as I stated earlier, it's not a guarantee that your basements are going to be protected.

Mr. Coyne – Mr. Haseley.

Mr. Haseley – Yes, Mr. Coyne.

Mr. Coyne – Mr. Roskoph did contact me shortly after the May 10th flood. I did follow the proper procedure, I did contact Joe Walker, Mark Sunyak, we did go out there, I believe we were out there three or four occasions. We did get you involved...

Mr. Haseley – Yes.

Mr. Coyne - ...because of you being the Ward 2 Councilman and acting Mayor, and I remember working with you on two or three occasions. That was authorized, it was going to be done, but because of Mr. Walker's schedule, it kept moving to the back of the pack. And the problem is, is that Mr. Roskoph was made a commitment, the project should have been done last year and now you're telling him it can't be done. That puts us in a bad position because it was authorized by you last year, now you're telling him now; if we had no intentions of doing it, we should have just been up-front with him and told him that. That whole area back there is saturated with water, partly because of the South Port development, and it's going to be nothing but a breeding ground for mosquitoes, there are a number of young children in that area, and Mr. Roskoph's right, if we weren't going to do the project we should have told him up-front last year.

Mr. Haseley – Well, Mr. Coyne, before you go any further along those lines, we had intended to do the project, we were not lying to him.

Mr. Coyne – I understand that.

Mr. Haseley – At the time.

Mr. Coyne – I understand that, I'm not trying to argue with you.

Mr. Haseley – And I don't appreciate it if that's what you're implying.

Mr. Coyne – No, Ray, that's not what I'm trying to imply, I'm just trying... The gentleman has called me six or seven times.

Mr. Haseley – I know.

Mr. Coyne – I try to be honest and up-front with him. As he can tell you, I've been constantly in contact with him; at the time, I didn't promise him anything, I brought you into the picture, I brought the experts into the picture, and this is what was conveyed to him. That's all I'm trying to establish here...

Mr. Haseley – And that's fine.

Mr. Coyne - ...and I'm not trying to criticize you. I'm just saying that it was approved, there was a certain expectation of something being done, now it's not being done and, frankly, if we're not going to do it, just be up-front with him, tell him, then the issue's closed. But the commitment was made last year; maybe it shouldn't have been made at all, I don't know, but I didn't make the commitment. I followed the proper procedure and went up the line, and now you're telling the guy a different story. All I'm asking is be up-front with him; if you're not going to do it, tell him you're not going to do it, but he's waited several months on a commitment.

Mr. Haseley – Well, I talked to Rich this afternoon, or this evening...

Mr. Coyne – Because he called me and I told him to call you because...

Mr. Haseley – Yeah.

Mr. Coyne - ...I thought that you should talk to him.

Mr. Haseley – And I asked him to give me...

Mr. Coyne – But I'm being...

Mr. Haseley - ...the proper time to talk to Mr. Walker.

Mr. Coyne – Right. Well...

Mr. Haseley - Because it was after five o'clock when I returned his phone call.

Mr. Coyne – I understand. But just to be fair, you know I've brought it up a number of Council meetings, updates on it. So, I've been fair. And I just want the man to get a straight answer and, obviously, he's not being given a straight answer, so.

Rich Roskoph – Yeah, (unintelligible), just to jump in (unintelligible). I would just rather have the situation resolved however we can come to that conclusion. And now we have to wait till April 1st, and we've been pretty patient, it's about a two-year process, and, you know if you're not going to do it, there's going to be a lot of people that are unhappy about it, but at least maybe as, you know, residents, you could help us get the situation resolved, I mean, if we need to look at getting an outside engineering company to look at it or whatever we need to do, but, obviously, I can't just pay someone to go dig some sewers in the back of the development of South Port, that's not my land, okay. So that's all we're trying to do, get it resolved. I don't want to be sitting there on April 15th when we have a rainstorm and, you know, watching my basement whether it's going to flood or not. I mean, that's, you know, that's fair enough I think. So, if there's any way I can get an answer here prior to April 1st...

Mr. Haseley – We will do our best, Rich, that's all I can promise you. I will sit down, as I discussed with Mr. Walker early this evening, tomorrow and see what can be done here, if anything.

Rich Roskoph – Okay, I appreciate it.

Mr. Haseley – Alright. I obligated to do that at quarter after five and I'm obligating to do it again, so. Okay?

Rich Roskoph – Okay. I appreciate your time. Thank you.

Mr. Haseley – Thank you. Well, the next name I can't read, but it's somebody on 19762 Kensington Court. Anybody here with that address?

A Voice - Right here.

Mr. Haseley – Oh.

Joe Gazzo, 19762 Kensington Court, Strongsville – Joe Gazzo, but I have no complaints.

Mr. Haseley – Yeah, I know, that's why I couldn't... Alright. We're going to be voted on your deal tonight.

Joe Gazzo – On the property on 10625 Pearl Road?

Mr. Haseley – Okay.

Joe Gazzo – Okay, thank you.

Mr. Haseley – Good. Thanks, Joe. Honest to God, I can't read that from there.

Joe Gazzo – I'm the last one to complain, I'm very happy.

Mr. Haseley – Okay.

Joe Gazzo – Alright, thank you.

Mr. Haseley – God, can we clone you?

Joe Gazzo – There's a charge for that.

Mr. Haseley – Okay. Is there anybody else that cares to speak in front of Council?

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. I have two questions. On this tax of twenty five percent, when the City becomes solvent, do we take the tax away?

Mr. Haseley – The question is if the City becomes solvent. I've got in there that it will be reviewed, we ordinarily review this. But, quite frankly, I can tell you, I doubt very much whether it's going away. We almost had it last year. Had we done this last year, we wouldn't be in the position we're in now. If we don't do it, I don't know what's going to happen the rest of this year, but we're going to be faced with this problem again next year.

Bill Vassil – Well, what does the City have in unemployment? How many people do we have? Do we have any records of this? Do we know how many people aren't employed in the City of Strongsville?

Mr. Haseley – Mr. Magocky, can you handle that one?

Mr. Magocky – Mr. President. The last reading I had on the unemployment figures for the City of Strongsville was at about 5.6 percent, which is a normal unemployment rate.

Bill Vassil – Mr. President, I have another question. Adelphia, are they still in bankruptcy?

Mr. Kraus – Mr. President. The answer is yes.

Bill Vassil – How do you get them out of bankruptcy? They're spending money hand over fist for advertising for this, for that, and we can't get our money from them. How do we get them out of bankruptcy?

Mr. Kraus – Mr. President. If I could do that with a stroke of my pen, I would do it, but the fact is that they are current, as I understand it from the reports that we've been getting from the Finance Department, because we have been carefully auditing and monitoring the payments that they owe the City under our agreement, and my understanding is that they are current. Is that correct, Mr. Batke?

Mr. Batke – Correct.

Bill Vassil – So they've paid up.

Mr. Kraus – Yes.

Bill Vassil – The franchise fees and everything?

Mr. Batke – Correct.

Mr. Kraus – Yes, correct.

Bill Vassil – Okay. Another question. How about our tax delinquent properties?

Mr. Haseley – I don't know how much...

Bill Vassil - How long do we have to go before they start foreclosing on them? There's a lot of them.

Mr. Haseley – Mr. Batke? I don't know whether you have that information tonight, or not.

Mr. Batke – Mr. President, I'm not sure I understand the question exactly.

Bill Vassil – You have tax delinquent properties on the books.

Mr. Batke – I'm sure there are.

Bill Vassil – Quite a few. There's one very close to me at seventy nine hundred bucks, which would go into part of City and schools. And we know the schools are coming back with a levy. So, how do we get our money? How long does it take?

Mr. Batke – Normally the way that works, Mr. President, is, you know, that's up to the County Auditor's Office and the Treasurer's Office, they're the responsible parties for tax collection and assessment, so that's their responsibility.

Mr. Coyne – Mr. Haseley.

Mr. Haseley – Yes, Mr. Coyne.

Mr. Coyne – Don and I serve on the same committee for the County regarding that and you're right, Bill, they're extremely high. Don, maybe you and I can work together and go over there and see how the foreclosure process is going on those properties and that way maybe we can give Mr. Vassil the proper answer. I think the Treasurer and Auditor's Office would help us.

Bill Vassil – I'm just looking for money, that's all. I gave Mr. President Haseley there a little jolt today with a deal on the trucks that use our roadways overweight, and there are a ton of them, believe me, I've been in the business a long time and I know by just looking at a truck if he's overweight. And I'm sure that if we educated two or three officers they could spot them, too. And with the weight and the violations, the City could make a nice little bundle. Brunswick's been doing it for a long time, so what do you do, you don't go on 303 anymore; if you've got an overload you go the other way, which is right here. And they're getting away with it. And it might behoove you to take a look at this and see if you can make a few bucks.

Mr. Haseley – Thank you, Mr. Vassil. Anybody else that cares to address City Council?

(None)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2003-208 by Mr. Coyne and Mr. Roth. AN ORDINANCE REPEALING CHAPTER 294 OF TITLE EIGHT OF PART TWO OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE ESTABLISHING A MORAL CLAIMS COMMISSION. 1st rdg: 9-15-03. 2nd rdg: 10-6-03. 3rd rdg: 2-2-04.

Fourth reading. Referred to Council-As-A-Whole.

Ordinance No. 2003-281 by Acting Mayor Haseley and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ADDENDUMS TO AGREEMENTS FOR THE FURNISHING OF SOLID WASTE, RECYCLABLE AND YARD WASTE COLLECTION SERVICES, AND FOR THE OPERATION AND MAINTENANCE OF THE STRONGSVILLE TRANSFER STATION AND THE RECEIPT, TRANSPORT AND DISPOSAL OF SOLID WASTE OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. 1st rdg: 12-15-03. 2nd rdg: 1-20-04. 3rd rdg: 2-2-04.

Fourth reading. Referred to Public Service Committee.

Ordinance No. 2003-285 by Mr. Daymut. 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 10625 PEARL ROAD (PPN 391-29-031) IN THE CITY OF STRONGSVILLE FROM MS (MOTORIST SERVICE) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (Linda L. Straub, owner; Jeffrey J. Viscomi, M.D., Agent. Proposed medical office building and associated parking) 1st rdg: 12-15-03. Favorable recommendation by Planning Commission 12-18-03. 2nd rdg: 12-29-03. Public Hearing: 2-2-04.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2003-285 ADOPTED.

Ordinance No. 2004-47 by Mayor Perciak. AN ORDINANCE AMENDING SECTION 9-005, BOARDS AND COMMISSIONS, OF THE GENERAL SALARY ORDINANCE TO INCLUDE REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE CHARTER REVIEW COMMITTEE, AND DECLARING AN EMERGENCY. 1st rdg: 2-2-04.

Mr. Daymut – Move for suspension.

Mr. Haseley – No, we're placing this on second reading, Mike. I'm sorry, that was a change.

Mr. Daymut – Am I on the wrong one?

Mr. DeMio – No.

Mr. Haseley – No.

Mr. DeMio – You didn't get the note that was passed.

Mr. Haseley – You didn't get the change. I'm sorry. We are placing this on second reading and referring back to committee. Everything else remained the same.

Mr. Daymut – Number 47?

Mr. Haseley – 47.

Mr. DeMio – Only 47 on that page.

Mr. Daymut – Mr. President.

Mr. Haseley – Yes.

Mr. Daymut – I think I brought up the original issue with it. I must have missed that in caucus.

Mr. Haseley – No, it didn't happen in caucus, it happened out here. You were busy discussing something else.

Ordinance No. 2004-47 – (Cont'd):

Mr. Daymut – Well, thank you for the information. Are they going to meet without payment?

Mayor Perciak – I would hope not.

Mr. Daymut – I would hope not myself.

Second reading. Referred to Council-As-A-Whole.

Ordinance No. 2004-51 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Mullen)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-51 ADOPTED.

Ordinance No. 2004-52 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Ritson)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-52 ADOPTED.

Ordinance No. 2004-53 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Davis)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-53 ADOPTED.

Ordinance No. 2004-54 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Kennedy)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-54 ADOPTED.

Ordinance No. 2004-55 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Konkoly)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-55 ADOPTED.

Ordinance No. 2004-56 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Hofer)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-56 ADOPTED.

Ordinance No. 2004-57 by Mayor Perciak. AN ORDINANCE REPEALING ORDINANCE NO. 2003-262 AND AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Leight)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-57 ADOPTED.

Ordinance No. 2004-58 by Mayor Perciak. AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST, TEMPORARY RIGHT-OF-WAY EASEMENT AND TRAFFIC SIGNAL EASEMENT IN PROPERTY LOCATED AT 13601 ROYALTON ROAD, STRONGSVILLE, OHIO, BEING PART OF PERMANENT PARCEL NO. 399-01-007; DIRECTING THE LAW DIRECTOR TO PROCEED WITH THE EXPEDITED ACQUISITION OF SUCH PROPERTY FOR THE WIDENING, REPAIR AND IMPROVEMENT OF STATE ROUTE 82 (ROYALTON ROAD); AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-58 ADOPTED.

Ordinance No. 2004-59 by Mayor Perciak. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND PERK COMPANY, IN CONNECTION WITH THE WIDENING AND RECONSTRUCTION OF ROYALTON ROAD (SR 82) FROM THE LORAIN COUNTY LINE TO PROSPECT ROAD (LOR/CUY-82-14.83/0.00) (PID 7848); AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: Ayes: Coyne, DeMio, Kaminski, Haseley, Gallagher, Daymut.

Nays: Roth.

Motion carries.

Ordinance No. 2004-59 ADOPTED.

Ordinance No. 2004-60 by Mayor Perciak. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE A FINAL CHANGE ORDER FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND UNDERGROUND UTILITIES, INC., IN CONNECTION WITH THE ROYALTON ROAD/MILL HOLLOW SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: Ayes: Kaminski, Haseley, Gallagher, Daymut, Coyne, DeMio.

Nays: Roth.

Motion carries.

Ordinance No. 2004-60 ADOPTED.

Ordinance No. 2004-61 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN OBSOLETE AND SURPLUS VEHICLES AND EQUIPMENT NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-61 ADOPTED.

Ordinance No. 2004-62 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE CONVEYANCE AND ACCEPTANCE OF A SANITARY SEWER IMPROVEMENT ON HUNT ROAD IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-62 ADOPTED.

Ordinance No. 2004-63 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF CUYAHOGA COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, IN CONNECTION WITH THE CITY'S EXTERIOR MAINTENANCE PROGRAM; AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-63 ADOPTED.

Ordinance No. 2004-64 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO EMPLOY SPECIAL LEGAL COUNSEL TO ASSIST IN THE REPRESENTATION OF THE CITY IN PENDING LITIGATION, AND DECLARING AN EMERGENCY.

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-64 ADOPTED.

Ordinance No. 2004-65 by Mr. Haseley. 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 ON PROSPECT ROAD (PPN 392-16-001) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION.

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

Ordinance No. 2004-66 by Mr. Haseley. AN ORDINANCE AMENDING SECTION 880.32 OF CHAPTER 880 OF TITLE FOUR OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY, TO REDUCE THE PERCENTAGE OF TAX CREDIT ON THE AMOUNT OF INCOME TAX PAID ON TAXABLE INCOME BY A CITY OF STRONGSVILLE RESIDENT TO ANOTHER MUNICIPALITY FROM 100% TO 75%, AND DECLARING AN EMERGENCY.

First reading. Referred to Council-As-A-Whole.

Resolution No. 2004-67 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO ROYALTON ROAD IN CONNECTION WITH THE WIDENING AND RECONSTRUCTION OF ROYALTON ROAD (SR 82) FROM I-71 TO WEST 130TH STREET (LOR/CUY-82-3.66/4.23) (PID'S 9222 AND 5557 AND ECDD 01-248).

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Resolution No. 2004-67 ADOPTED.

Resolution No. 2004-68 by Mayor Perciak and Mr. Roth. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Sanderson)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Resolution No. 2004-68 ADOPTED.

Resolution No. 2004-69 by Mayor Perciak and Mr. Roth. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (McNabb/Reinke)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Resolution No. 2004-69 ADOPTED.

Ordinance No. 2004-70 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Jones)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-70 ADOPTED.

Ordinance No. 2004-71 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Spirnak)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-71 ADOPTED.

Ordinance No. 2004-72 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT IN CONNECTION WITH THE ROYALTON ROAD (SR 82) WIDENING PROJECT, AND DECLARING AN EMERGENCY. (Spirnak/Davis)

Motion for suspension by Mr. Daymut, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion for adoption by Mr. Daymut, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Ordinance No. 2004-72 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

Application for Liquor Permit – NEW, D3: Cesaro, LLC, DBA Nino's Italian Marketplace, 12201 Pearl Road, Strongsville, Ohio 44136. (Responses must be postmarked no later than 02/26/2004)

There were no objections by Council to the above application.

Application for Liquor Permit – NEW, D1, D2: Khouri Restaurants, Inc., DBA Gourme Family Restaurant, 15315 Pearl Road, Strongsville, Ohio 44136. (Responses must be postmarked no later than 03/01/2004)

There were no objections by Council to the above application.

Receipt of Renewal Application for Placement of Farmland in an Agricultural District: Siedel Farms, 21819 Westwood Drive; PPNs 392-13-001, 392-13-002, 392-13-004, 392-14-001, 392-14-002 and 392-13-003.

Receipt of Renewal Application for Placement of Farmland in an Agricultural District: Susan Schnittke, 11291 Handle Road; PPN 398-13-016.

Receipt of Renewal Application for Placement of Farmland in an Agricultural District: Albert and Anne Fess, 22927 Albion Road; PPN 392-01-001.

Receipt of Renewal Application for Placement of Farmland in an Agricultural District: Meryl (TRS) and Cynthia (TRS) Hossfeld, 11698 Handle Road; PPN 396-02-001.

A Public Hearing was set for Monday, March 1, 2004 on the four (4) aforementioned Renewal Applications for Placement of Farmland in an Agricultural District.

MISCELLANEOUS BUSINESS:

Mr. Haseley – Is any miscellaneous business?

Mr. Daymut – Mr. Haseley.

Mr. Haseley – Mr. Daymut.

Mr. Daymut – I'd like to just announce that in March we will be resuming taking noise readings concerning the addition of the third lane of the Turnpike and Interstate 71. If anybody in the audience or anybody watching this would like to participate, we would welcome that.

Mr. Daymut (cont'd) - And I've also been requested from the residents that we expand the area to Ward 2, Mr. Haseley, and to Ward 3, Mr. Roth, concerning the Turnpike, and that we continue our alliance with Berea and Olmsted Falls concerning the Turnpike. And they've asked me specifically to invite our new Mayor to become part of that process. That's all I have this evening, Mr. Haseley. Thank you very much.

Mr. Haseley – Thank you. Any questions for Mr. Daymut?

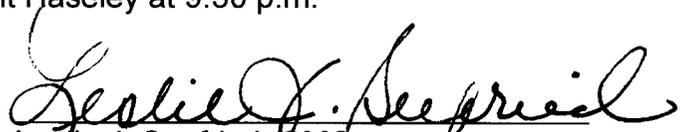
(None)

Mr. Haseley – Does anybody else have anything?

(None)

ADJOURNMENT:

There being no further business to come before this Council, the meeting was declared adjourned by Council President Haseley at 9:30 p.m.


Leslie J. Seefried, CMC
Clerk of Council