

MINUTES OF THE SPECIAL STRONGSVILLE COUNCIL MEETING

HELD ON FEBRUARY 24, 2004 IN THE COUNCIL CHAMBER

The meeting was called to order at 6:00 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
	Law Director:	Kenneth A. Kraus
	Finance Director:	Donald C. Batke
	Service Director:	Joseph M. Walker
	Economic Development Director:	Eugene P. Magocky
	City Engineer:	Mark J. Sunyak
	Building Commissioner:	Anthony J. Biondillo
	Recreation Director:	Stephen F. Kilo
	Deputy Chief of Police:	James Kobak
	Clerk of Council:	Leslie J. Seefried

Motion was made by Mr. Daymut and seconded by Mr. DeMio to excuse Councilman Mark A. Roth for just cause. All members present voted aye and the motion carried.

Mr. Haseley – Before we get into the rules and ordinances, I'm going to open it up for a brief discussion for anybody that wants to discuss either 2004-66 or 2004-73.

Mr. Coyne – Mr. Haseley.

Mr. Haseley – Yes, Mr. Coyne.

Mr. Coyne – I had the opportunity to speak to you this morning. I have to introduce an amendment to 2004-66 that would set forth a sunset clause in the ordinance and I'm going to hand it out at this time, I'd like it to be added to the agenda this evening.

Mr. DeMio – Are we designating a number for this then, or just amending it?

Mr. Haseley – Well, I haven't seen it; I know about it, but...

Mr. DeMio – Okay.

Mr. Haseley – I haven't seen a reading.

Mr. Coyne – Basically what this amendment does is that it sets a guideline for when the tax, how long it would go. I don't think everybody has it yet, but if you look at Section 2, 'That the provisions of Section 1 of this ordinance shall be operative from and after April 1, 2004 and shall terminate midnight December 31, 2005.' Then if you look down to Section 4, 3, 'That the provision of Section 3 of this Ordinance shall be operative from and after January 1, 2006 unless Council determines in its sole discretion that there is insufficient funds available to operate the City without a reduction in the City income tax.' All this does is makes sure Council, whether I'm here or you're here, anybody here, can vote on this so we can have a say on behalf of the residents in the future. I think just to provide the tax and make it carte blanche forever, it's not fair to citizens of Strongsville. I think we owe it to them to evaluate it more clearly than it's stated in the Ordinance now; to just say that we're going to review it on an annual basis does not put the checks and balances in that we need to have in. So, for example, if prior to 2005 if we decide that we're still in a fiscal crisis, then the Council at this time could vote to extend that. It doesn't hamstring anybody, I just think it provides a better check and balances for what Council needs to do here.

Mr. Kraus – Mr. President.

Mr. Haseley – Yes.

Mr. Kraus – May I speak just to the procedural aspects of this?

Mr. Haseley – Right, please do.

Mr. Kraus – And certainly not to the substance, but with respect to the procedure, I would respectfully suggest that you ask the Clerk to read Ordinance 2004-66 and then after she reads it we have a, potentially an amendment by substitution, there could be a motion and a second on that amendment by substitution. That's the way that this was drafted when Councilman Coyne requested that we prepare this possible amendment. If there is a motion and a second on the amendment by substitution, then Council could take a vote on it. If the vote is in the affirmative by four, then this would be substituted for 2004-66 as it's presently constituted and drafted. If the motion for amendment by substitution should fail, then Council would proceed with 2004-66 as it's presently constituted.

Mr. Coyne – I don't think it's fair for them to be able to vote on this tonight because I don't think that they'd have an opportunity for it to sink in and do it.

Mr. Haseley – I totally agree with that, Mr. Coyne... if I may.

Mr. Coyne – Yes.

Mr. Haseley – I would like for all members of Council to be here when we vote for this, preferably on Monday evening at our regular Council meeting, and I think that the amendment, if we all agree to it, would be better handled at that time, where we can amend it. I am going to ask for a vote on Monday and I think we should amend it at that time. The purpose for this meeting, as it was posted, was to read this Ordinance tonight, put it on second reading, and I think we should follow that procedure.

Mr. Kraus – Mr. President, there's...

Mr. Coyne – That's correct, Mr. Haseley.

Mr. Kraus – There's no problem in delaying the vote on the amendment until a point in time when Council is prepared to do that.

Mr. Haseley – With the affirmation of the rest of Council, I would like that procedure to be followed.

Mr. Kaminski – I would agree with that as well, I need time to review it myself. But I guess, you know, we have time here to debate it a little; I don't know if the Administration has a viewpoint on this yet or, Mike, the Finance Committee has a viewpoint, or do you want to take a look at it and...?

Mr. Gallagher – Mr. Haseley.

Mr. Haseley – Sure.

Mr. Gallagher – Yeah, I think it's only fair that Council have an opportunity to review this.

Mr. Kaminski – Yeah.

Mr. Gallagher – And, once again, you know, throughout this whole process this is exactly what we've been looking for here is input from everybody to figure out how we're going to least intrude on the taxpayers and, also, to keep the City services at a level that people are going to expect, so.

Mr. Kaminski – So, in essence, we would have to vote again next year to continue this tax reduction, that's basically...

Mr. Haseley – No, the year after.

Mr. Kaminski – The year after, okay.

Mr. Haseley – Yeah. This is not diluting anything; as a matter of fact, when I spoke with Mr. Coyne, on the surface and after reading it, it's exactly what we discussed. I have no objections to this whatsoever, I think it may be the fair thing to do. I, for one, think it's still going to be necessary, but if this gives you the vehicle to continue it, if that should be necessary at the time.

Mr. Coyne – Well, there was a great debate. You know, a lot of people pointed out to me that, you know, why can't you put it on the ballot? You can put anything you want on the ballot, but let's face it, the climate is such right now that it probably wouldn't be successful. But, you know, I think everybody's best interest is keep the City running and make sure we keep our employees in place. But we do need to keep checks and balances as much as we can and I think this is a good check and balance procedure. I think that, you know, you look at the state government when they passed...the State of Ohio when they passed their increase, I believe there's a sunset clause in there for two years, at the end of the two years they review their fiscal situation and then they vote on it again; if they feel that they need the money, they move on and vote for it and renew it, if they don't need the money, then they sit back and they don't do it. So, why doesn't Council digest it, see what you think, ask questions, and you certainly could contact me or you could schedule a meeting to do what you want; I'm sure you can just digest it and get back to Mr. Gallagher or any member of Council you'd like to.

Mr. Kaminski – Question, Mr. Haseley.

Mr. Haseley – Sure. Mr. Kaminski.

Mr. Kaminski – Do we have on the agenda, do you have an opportunity for the audience to make any comments in case they want to speak up on this Ordinance?

Mr. Haseley – Tonight?

Mr. Kaminski – Yeah.

Mr. Haseley – No.

Mr. Kaminski – Okay. So, no audience participation?

Mr. Haseley – They can, but we're...ultimately, what we're going to do is read this Ordinance in its present form, we won't change it, they'll have an opportunity Monday before we vote on it.

Mr. Kaminski – Okay.

Mr. Haseley – And I would encourage anybody that has anything to say to come forward at that time.

Mr. DeMio – Well my question is, it is not particular to this particular new piece of legislation, if you will, is can we, Ray, go into Executive Session and find out the status of the negotiations of the Police, Fire, EMS? Can we do that?

Mr. Haseley – We can go into Executive Session, but you won't get much of an answer because I don't think it's ongoing, is it? At the present time, there are none.

Mr. DeMio – Oh, there are none. So they haven't... Okay.

Mr. Haseley – Yeah. I think everybody's kind of taking a wait and see attitude.

Mr. DeMio – But if you find, if there's something, would you allow for the time?

Mr. Haseley – Sure.

Mr. DeMio – (Unintelligible). Okay.

Mr. Haseley – Absolutely. I don't have a problem with it, it's just that there's nothing really to discuss.

Mr. DeMio – I understand. Okay, well that's good, that's good to know.

Mr. Haseley – So if it's okay with the rest of the members...

Mr. DeMio – So we're not reading this into the record tonight, this is for our review tonight only.

Mr. Haseley – No, this will be done, this will be incorporated Monday evening.

Mr. DeMio – If it's okay with Mr. Coyne, is it okay if the directors can get a copy of this?

Mr. Coyne – Anybody who'd like a copy of it, sure.

Mr. Haseley – Sure.

Mr. DeMio – What's up, Ray, can you get that to them tomorrow or whenever?

Mr. Haseley – Absolutely.

Mr. DeMio – So they'll have a copy of it?

Mr. Haseley – Absolutely. I'd like to open it up possibly for Mr. Sunyak to discuss 2004-73 and advise the Council members (unintelligible).

Mayor Perciak – Mr. President, if I may, before we move onto the next thing?

Mr. Haseley – Sure.

Mayor Perciak – What I would like to do is I would just like to thank Councilman Coyne for recognizing the fact that we do need money, and I appreciate that you're jumping on board with this, even in the amended form until December 31st, 2005. That will...it's a beginning; I think that we're coming together as a group towards one common cause and that's to save jobs in this City and to deliver the...and to maintain the quality of life, so I thank you for that. And, as far as the sunset clause, I have to study that based off of the performance statements that we have, but, like I say, I believe that this is moving in the right direction.

Mr. Haseley – Thank you, Mayor. Any questions for the Mayor?

(None)

Mr. Haseley – Now, Mr. Sunyak, if you would explain to Council why we're here for 2004-73. I believe that's your call, I'm not sure, unless somebody else is...

Mr. Sunyak – Yes. Thank you, Mr. President, members of Council. The consultant that's working on the Foltz Industrial Parkway extension plans, which I have a set here that's ninety percent complete, during the course of preparing the plans and meeting with our wetlands consultant, it was determined that in order to make this project fall under the guidelines of the nationwide permitting system, which means that we can obtain the necessary permits for disturbance to wetlands and streams within a sixty to ninety day period, versus the lengthier individual permit process which takes nine months to a year. In order to accomplish that we would need to make some modifications to the original plan in that we would need to construct two retaining walls, that would be part of the improvement drawings, in the area, in the vicinity of the creek. Right now that is at the dead-end of Foltz Parkway. So what we did was we met with our wetlands consultant to make sure that these modifications he felt would still be under the threshold required by the nationwide permit so we could get our permit in that sixty to ninety day period. We went back and looked at the options that we had as far as type of wall construction and the consultant, after doing some preliminary investigation, has developed and I have some drawings here showing a cast in place concrete wall system which would include textured and colored concrete, which would blend in much better with the natural areas that are going to be remaining directly adjacent to the culvert. So on this evening's agenda is the authorization to proceed with the change order so the consultant can go into a design mode and construct the formed in place concrete retaining wall and add those drawings to the plan so we can have those plans done within about three weeks, give or take, so we can get this thing out to bid.

Mr. Haseley – Alright, so your recommendation then this evening is to suspend and adopt, is that correct?

Mr. Sunyak – Yes, yes.

Mr. DeMio – Ray.

Mr. Haseley – Yes.

Mr. DeMio – A few of us don't have the Ordinance before us, we just have the reading, you know, public reading notice.

Mr. Haseley – It was sent out, I believe, in your packet.

Mr. DeMio – I understand. My issue is I wasn't supposed to be at this meeting; despite me saying I wasn't available, this was scheduled, I left something in an area in which...All I want to know, it's just an easy question, is what is the ultimate cost of this?

Mr. Sunyak – The design services?

Mr. DeMio – Uh huh.

Mr. Sunyak – The additional services are twenty three thousand, six seventy five.

Mr. DeMio – Okay, so once completed, that's what it would be.

Mr. Sunyak – That would be...that's the additional cost...

Mr. DeMio – Right.

Mr. Sunyak -...for them to design...

Mr. DeMio – Got it.

Mr. Sunyak – ...the two walls. It's about two hundred feet, give or take, of retaining wall.

Mr. DeMio – Okay, no problem. Thank you, Ray, appreciate it. Okay.

Mr. Haseley – Maybe I'm confu...that's not the add?

Mr. Sunyak – No, that is...these drawings, because of the depth of the wall, the height of the wall and the soil conditions, this wall will have to be fully engineered, it will be a significant cost in the construction part of this once we get to construction.

Mr. Haseley – Okay. Anybody else have any questions for Mr. Sunyak or anything else?

(None)

ORDINANCES AND RESOLUTIONS:

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. 1strdg: 2-17-04.

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

Ordinance No. 2004-73 by Mayor Perciak. AN ORDINANCE AUTHORIZING THE MAYOR TO ISSUE AND APPROVE A CHANGE ORDER TO R. E. WARNER & ASSOCIATES, INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE FOLTZ INDUSTRIAL PARKWAY SOUTH DEVELOPMENT PROJECT, AND DECLARING AN EMERGENCY.

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

Mr. Batke – Mr. Chairman, if I might.

Mr. Haseley – Oh. I guess we should ask you if there's money to pay for this. Mr. Batke.

Mr. Batke – If it's Council's...

Mr. Haseley - That wasn't on here, the reason why I didn't ask.

Mr. Batke – Yeah, I understand. That's okay.

Mr. Haseley - Creature of habit. Go ahead, please.

Mr. Batke – If it is Council's intention...

Mr. Haseley – Before we adopt.

Mr. Batke – ...yes...to adopt this Ordinance this evening, then I can and will certify that funds will be made available for this Ordinance.

Mr. Haseley – Very good, thank you. Mr. Daymut? You don't want to say anything?

Mr. Daymut – No.

Ordinance No. 2004-73 – (cont'd):

Mr. Haseley – Alright. Somebody else.

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

Roll Call: All ayes. Motion carries. Ordinance No. 2004-73 ADOPTED.

OTHER BUSINESS:

Mr. Haseley – Okay, is there any other business to come before this Council tonight?

Mr. Kaminski – Just a quick comment, Ray. I just want to let the folks know that I'm going to be available this evening if anyone has questions on 2004-66 or where I stand on it; I'm going to stay over for a little bit. That's it.

Mr. Haseley – Alright, fine. Nothing else?

(None)

ADJOURNMENT:

There being no further business to come before this Council, the meeting was declared adjourned by Council President Haseley at 6:20 p.m.


Leslie J. Seefried, CMC
Clerk of Council