

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON DECEMBER 21, 2009

The Council of the City of Strongsville met in the Caucus Room at the Strongsville Communications Center, 13213 Pearl Road, on **Monday, December 21, 2009 at 7:00 p.m.**

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

The following Committees met to review legislation on the agenda:

***Public Safety Committee** - *This Committee met after the other scheduled committees in order to hear a presentation in the Council Chamber.

Planning, Zoning and Engineering: Chairman Coyne noted that substitute versions of Ordinance Nos. 2009-225 and 2009-226, inserting an emergency clause into each, are before Council this evening for consideration; after the ordinances have been publicly heard, his recommendation is to amend by substitution and adopt as amended. Ordinance 2009-225 proposes to amend SCO Section 1252.32(k)(3) in connection with requirements for corner lot setbacks in single-family detached and cluster development. Ordinance 2009-226 is a proposed rezoning of PPNs 395-22-001, 002, 003 and 004 from R1-100 to R1-75. Chairman Coyne recommended suspension and adoption for Ordinance 2009-255, authorizing entering into a contract for construction of improvements in connection with the Pearl Road Widening Project. Mr. Coyne noted that the contract price comes in \$3 million under budget. Mr. Haseley stated the Engineering Department is owed a debt of thanks and Mr. Coyne concurred, stating they did a great job. Mr. Coyne recommended suspension and adoption for Resolution No. 2009-256, approving an amended development plan for Westfield Shoppingtown Southpark Mall to permit construction of an addition to the Cleveland Clinic building. He recommended that Ordinance Nos. 2009-257 and 2009-258, both in connection with a proposed rezoning of property located at Royalton and Prospect Roads, be first read and referred to Planning Commission. Concerning Resolution 2009-256, Mayor Perciak commented that this is really a move in the right direction for the City and Cleveland Clinic, for the Clinic to make this type of investment in that building with a linear accelerator suite. Mr. Biondillo explained that from the outside of the building, you won't even be able to tell that the building itself was added onto; this will occupy a good portion of the basement, with walls onto the south elevation of the building. Mayor Perciak interjected that this is really a lifesaving piece of equipment for people who have tumors; the equipment is so sophisticated that they'll be able to go in there and just zap the tumor without any type of surgery whatsoever. He continued that it will be the most modern, state-of-the art procedure for cancer treatment and is a real plus for our town and its residents.

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

Suspension and adoption was the recommendation for Ordinance No. 2009-259, the appropriations ordinance for 2010, and for Ordinance No. 2009-260, amending the General Salary Ordinance to enact new Section 5-036 to establish, allocate and fix the compensation of the position of Manager of Economic Development.

Public Service and Conservation Committee: Chairman Haseley recommended suspension and adoption for Ordinance No. 2009-243, repealing Ordinance No. 2009-060 and authorizing the Mayor to enter into a purchase agreement and temporary work easement for property located at 17910 Pearl Road in connection with the Pearl Road Widening Project. He recommended suspension and adoption for Ordinance No. 2009-261, authorizing the sale at public auction of certain obsolete and surplus vehicles no longer needed for any municipal purpose. Suspension and adoption was the recommendation for Ordinance No. 2009-262, authorizing the disposal of a Public Service Department vehicle no longer needed for any municipal purpose. Suspension and adoption was the recommendation for Ordinance No. 2009-263, authorizing the Mayor to enter into a contract with ODOT for maintenance of highway landscaping at the I-71 and SR-82 interchange. Mr. Haseley recommended suspension and adoption for Ordinance No. 2009-264, authorizing the Mayor to enter into a second and final amendment to the contract with O.R. Colan Associates for professional right-of-way acquisition services in connection with the Pearl Road Widening Project. He also recommended suspension and adoption for Resolution No. 2009-265, granting permission to repurchase certain certificates for burial rights in the municipal cemetery.

Committee of the Whole: President Gallagher recommended second reading for Ordinance No. 2009-253, amending SCO Section 880.32 in order to continue the City's current 75% tax credit on the amount of income tax paid on taxable income by a Strongsville resident to another municipality and eliminating the prior termination provision. Mr. Gallagher stated he had some thoughts about making sure that people on unemployment, active military, would be affected by this ordinance; they are not.

Economic Development and Technology Committee: Chairman Daymut stated he would give a brief report on the floor of Council.

Public Service Committee: The Public Service Committee met in the Council Chamber in order to hear the following presentation by FIRST Lego League team members about bicycle safety:

Chairman DeMio - I am calling this Public Safety meeting to order. We are taking an unusual but great step to allow what I refer to as the Lego Men and the Lego Boys to present a survey, a problem-solving event, and I would like to have them come up. The only thing we ask is that you say your name, address, and spell your first and last name for the record. If you could do that, the floor is yours; we have about – Mike -- fifteen to twenty minutes, right?

Mr. Gallagher – Right.

Mr. DeMio – Okay. Be my guest.

Eli Homan, 18730 Walnut Drive, Strongsville – We are the Bionic Barracudas FIRST Lego League Team and FIRST Lego League is a research project, along with the Lego Robot competition, and we have been invited to the state competition. This is our second year at FLL and we are all seventh graders from Strongsville.

Eli Homan (cont'd) - We chose Strongsville as our community and bikes as our form of transportation to research because we can easily relate to them. We asked ourselves, how can we transform the way people think about riding their bikes so they can get where they're going safely. And I am Eli, and this is Chad, James, Zach, and here is Andy with our surveys.

Andy Rygalski, 16695 Aspen Circle, Strongsville – A big chunk of the research that we did for our project was the survey that we gave out to about 250 people, 200 of which were middle school students, and we found that kids don't know or follow the rules of the road and ride unsafely, in general. For instance, we found that almost a quarter of people surveyed think it's the right thing to do to ride on the left, and we know that it isn't. We also found out that over half the people surveyed don't wear helmets when they ride their bike, and that didn't surprise us, the kids, so much, but we figured it might surprise some parents out there. And we found the only way to correct these problems that we discovered was to educate people about the right way to ride a bike, but we found out about our ordinances here in Strongsville and Zach will describe why they are a problem in this.

Zach Zoloty, 20121 Colleen Court, Strongsville – Bicycle ordinances are important because they shape how cyclists are taught to ride and what the public should expect from them. And when Strongsville was graded by the OBF, or Ohio Bicycle Federation, it received an F minus for bicycle safety. And a rule that the OBF gave for a good ordinance is to make sure that it doesn't conflict with the rules of the road or any given state law. And one thing that Strongsville does wrong is treat bikes as toys, rather than vehicles. And a bad ordinance is that Strongsville requires all people, despite age, to ride on the sidewalk at all times, unless there is a sign stating that you may not ride on that particular sidewalk, in which case you'd ride in the street, unless you're under eleven, because then you're allowed to continue to ride on the sidewalk. And that ordinance disagrees with the OBF's rule for a good ordinance that I said earlier by conflicting with the Ohio law that bikes have the same right to use the road as any other vehicle and they should be treated as such. And now James will talk about why it's dangerous to ride on sidewalks.

James Reese – Hi, my name is James Reese, and somehow I forget my address.

(Laughter)

Mr. Dooner – So does most of Council, so don't worry.

Mr. DeMio – Mom, no helping, mom; no helping, mom. See what happens when you get hit in the head with those soccer balls over the soccer teams? He's a Big 10 soccer player, for all those Council members who don't know.

James Reese – Okay, so I live on 19990 West Kerry Place. I'm going to be talking about a few bicycle injury facts and how sidewalks can be dangerous. The ordinances that Zach has mentioned can result in crashes, according to the National Highway Traffic Safety Administration. Fifteen percent of cyclists killed in crashes were ages five through fifteen. This age group has the most deaths and injuries of all other age groups. Head injuries are the most serious type of deaths for cyclists, although most deaths occur when bikes and cars collide. These collisions can happen anywhere, even on sidewalks. Kids often rely on sidewalks because they are directed to ride on them by parents or ordinances. These ordinances are unsafe because driveways intersect with sidewalks and kids don't think to slow down or stop and drivers are not expecting fast-moving traffic on or coming from sidewalks.

James Reese (cont'd) - Kids also are not taught to walk their bikes across crosswalks and, again, drivers are not expecting fast-moving traffic on or coming from sidewalks. Also, when we visited the police, we found out that eighty-five percent of crashes reported to them were from bikes crossing crosswalks. NOACA's Strongsville Walkable Community Workshop Report in 2009 said US 42 and SR 82 intersection gives twenty seconds to walk a hundred and twenty feet. This isn't enough time and doesn't follow the rules of the Manual of Uniform Traffic Control Devices. We are currently working with you to make bicycling in Strongsville safer. Now, here is Chad on our solution.

Chad Mroczka, 20032 Ellsworth Drive, Strongsville – This is a plaque we got after winning this Ambassador Award for our competition. So, for our solution, we found out that kids had a lack of education, so we thought of a solution to educate kids in a fun way. But since our City's ordinances that we found out conflicted with the State's laws, we found out later that we couldn't educate kids in the correct way to ride a bike. So then, we met with Police Chief Goss, with Councilman DeMio and Councilman Coyne and we got invited to this City Council meeting and we hope to change the law. Once we hopefully change the law, we plan to help to educate kids by having a fun board game, maybe an educational program, we have an arrangement for a public service announcement with Jennifer Milbrandt, and we are interested for your questions. Thank you.

Mr. Gallagher – Chad.

Chad Mroczka – Yes.

Mr. Gallagher – What – Now we had an F minus in Strongsville from the State; what do they base that on, rideability in Strongsville on sidewalks or streets, or both?

Chad Mroczka – (Unintelligible)

Mr. DeMio – Mike, we need Chad to come up to the podium

Mr. Gallagher – Yeah, come on. Wait, who could answer that?

Chad Mroczka – I'm pretty sure it's based on laws and, also, like how busy the – laws and traffic and that.

Mr. Gallagher – So you were unfortunately born into a city, which is a great city, but we don't have sidewalks everywhere and I think that affects our ability as bike riders in the city to get around using the streets and sidewalks in a safe manner. I grew up in Lakewood, where we had sidewalks everywhere, and it was really a great thing because as a kid you could go from one side of the city to the other on your bike without a problem. I think, possibly, in our area, because most of you live down by where I'm at, when Pearl Road is finished, when we take it further down to The Woods, I think the availability of sidewalks on that main road down to where you guys are pretty much living, down in Waterford and The Woods, you're going to be able to get maybe to the high school a lot better and certainly to the junior high a lot better, if that's what you're going to do. But I think our frustration is on Prospect Road where we don't have access to sidewalks and, really, in the near future, I don't know if that's going to happen because of cost restrictions. So what would you guys propose as far as making things safer, other than – you're going to have seminars for the kids and informational things?

Mayor Perciak – I think they're asking us to put the seminars on.

Mr. Gallagher – Well you're going to – Who's going to work with Jennifer Milbrandt?

Unidentified Voice – All of us.

Mr. Gallagher – You're going to all? And what are you going to do with Jennifer?

Unidentified Voice – We are making a public service announcement. It will be – I don't know which channel, but it will be on TV (unintelligible).

Mr. DeMio – You need to come up.

Mr. Gallagher – You've got to come on up.

Unidentified Voice – We're making a public service announcement about the safest way to ride bikes. We don't know exactly what channel it will be on yet, but we're all working on it.

Mayor Perciak – Mr. President, and young men and women and parents. Some of these things that's we're asking Jennifer Milbrandt, the Forester, to do, I think is a little bit out of her league; she can help you with coordinating things, but most of this must come through our Police Department and Chief Goss will assign an officer, we have DARE officers and resource officers at the high school that should be working with this group to formulate policy that is, you know, correct as far as bike safety is concerned. So I am going to ask the Chief to proceed with it in that manner and to relieve Mrs. Milbrandt from the safety parts of it because that is not her area of expertise. So, if that would be okay with the parents and everybody, I really believe it belongs at the safety level and then our Chief will make the necessary assignment. Charlie, do you care to comment on that, please? Chief Goss.

Chief Goss – Yes, I'd be happy to, Mayor, help out and, as you know, we have a full-time traffic unit that can also help. I think if we're going to go into a publicity campaign, you pointed out that eighty-five percent of the accidents that we reviewed were caused at intersections or crosswalks, and most all of those were the fault of the driver, not the cyclist. So I think when we look at this, maybe in the spring when people go back to their bicycles, we should not only try to educate the cyclist on safe riding of cycles, but maybe also drivers as they enter into intersections and driveway crosswalks to be on the lookout for cyclists, as well.

Mayor Perciak – And I also believe, young men and moms and dads, that our Police Department will make themselves available so that they can put together the type of safety seminar that should be put out there, and I am certain that the Chief could assign an officer that would be happy to set these dates up where an officer would be present so that everybody would learn the law correctly and so that there would be no deviation. What I am concerned about, Mr. Law Director, is where is there a difference between the State law and the City ordinances? Now, that disturbs me and that we're going to have to figure out. So, Chief Goss and Mr. Kraus, we'll have to see what's in conflict here and why is there a conflict.

Mr. DeMio – Just one – My heart and soul on Pearl and 82; who had the findings about the time, about the cross time? Come on up.

Mayor Perciak – Come on, Mr. Reese.

Mr. DeMio – Tell us what they said what the time should be.

James Reese – They said that you should have, I think...

Mr. DeMio – Because we're at twenty seconds, right?

James Reese – Yeah.

Mr. DeMio – Okay.

James Reese – I think they said we should have thirty.

Mr. DeMio – Okay. So that's something, Mayor, if you could...

Mayor Perciak – Yes, Mr. DeMio. Mr. President, if I may. Mr. Mikula, Mr. Walker, what is the correct time, do either of you know, with the traffic controls and the City Engineer? Who is going to volunteer to find that out?

Mr. Walker – I'll take care of it, Mayor; it's no problem.

Mayor Perciak – Thank you. Okay, we got that solved.

Mr. DeMio – Before we close, I do want to take a special thank you to the parents that allowed us in the house and Pat Coyne, who originally organized the meeting at the house with the Chief, and Mayor, allowing the Chief to come on that Sunday a few weeks ago, we really appreciate your time for allowing that to happen, as well. This Council likes to be accessible to kids as well and, you know, we had a little fun that Sunday night, they showed us a few interesting things with their Legos and the project. And, Mayor, you would be shocked on how intelligent and how bright these gentlemen are. And the parents that put up the time and effort, I thank you personally from this Council, and I hope I'm speaking, a little bit for a change, for the Mayor, he would thank you, as well, I'm sure. But thank you, gentlemen, I appreciate it. Any other information, just get it to me and I'll share it with Council. And good luck; when's your next day?

Unidentified Voice – February 6.

Mr. DeMio – February 6. And where is it at?

Unidentified Voice – It's in Dayton.

Mr. DeMio – Dayton, Ohio. Okay.

Unidentified Voice – Yeah.

Mr. DeMio – Well, good luck and thank you very much for your time.

Mayor Perciak – Thank you. Good luck, boys, and Merry Christmas.

Unidentified Voices – Thank you.

Mr. DeMio – Mike, I'm going to close the Committee meeting, unless there are questions for the Committee from any of the Council members.

Mr. Gallagher – Any questions for Mr. DeMio?

(None)

Mr. DeMio – We're closed.

**MINUTES OF THE REGULAR STRONGSVILLE COUNCIL MEETING HELD ON
DECEMBER 21, 2009 IN THE COUNCIL CHAMBER AT THE STRONGSVILLE
COMMUNICATIONS CENTER**

CALL TO ORDER:

Council President Michael J. Gallagher called the meeting to order at 8:00 p.m. All joined in the Pledge of Allegiance to the Flag.

CERTIFICATION OF POSTING:

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

ROLL CALL:

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

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting of December 7, 2009 were approved as submitted.

APPOINTMENTS AND CONFIRMATIONS:

Mayor's appointment of Joseph K. Dubovec, CPA, as Director of Finance for the City, to be effective January 1, 2010

Mayor Perciak – Thank you, Mr. President, and good evening. The first thing I would like to do before I ask Council to make the appointment of our new Finance Director is to thank our existing Finance Director, Don Batke, for almost twenty-two years of service to the City of Strongsville. Don, from all of us in the Administration and from the Council, we thank you for your hard work, we thank you for your guidance and we thank you for helping direct the ship of state here through some trying times in your many, many years as Finance Director. So, from all of us, especially from yours truly, I thank you; I thank you for your time and I thank you for your service because sometimes, as most of you know, being in public service isn't the easiest thing.

APPOINTMENTS AND CONFIRMATIONS (cont'd):

Mayor's appointment of Joseph K. Dubovec, CPA, as Director of Finance for the City, to be effective January 1, 2010 (cont'd):

Mayor Perciak (cont'd) - So, congratulations to you on your retirement, we welcome you back in the future; when you want to come back, let me know, we'll find something for you to do, I'm sure, and best of luck and best wishes to you.

Mr. Batke – Thank you, Mayor, I appreciate that.

(Applause)

Mayor Perciak – I also would like to, before I ask Council to appoint the new Finance Director, take a moment also for our retiring Economic Development Director, Gene Magocky. I want to thank him for his eleven years of service to our City and for opening up our City gates to people across the state, across the country and sometimes even across the world by attracting new businesses from as faraway places as China to the City of Strongsville. So, Gene, so much of what we've accomplished here in the last years is because of the foundation that you have set in place. So many of the businesses have relocated here, not only because Strongsville is probably the best location in the nation to locate, but because you reached out to them, made them feel at home and opened the doors for them so that they could bring their business here to Strongsville. So, again, on behalf of the Administration and the Council, we thank you, we appreciate your many years of service to our City.

Mr. Magocky – Thank you.

(Applause)

Mayor Perciak – Before – Mr. Magocky's position is going to be left vacant for a little while and it will be filled by a new Manager of Economic Development. I cannot ask the Council to make that appointment tonight until the Council passes legislation for that tonight, but we hope that in the next meeting in January the legislation will be in place and then the Manager of the Economic Development Department will then be named.

Lastly, at long last, the appointment of our new Finance Director. A little bit of background on him. His name is Joseph K. Dubovec. Joe is a CPA, Joe received his CPA license in the year 1989 and has renewed it successfully every year since then. Joe is a 1988 Baldwin-Wallace graduate; of course, he has his Bachelors Degree in Accounting, and ladies and gentlemen, I am proud to report he had a 4.0 GPA when in school. From the years 1988 to 2005, Joe worked for the City of Shaker Heights and he was responsible for the operating budget, reconciliations, accounts payable, receivables, annual reports, purchase orders, audits, grants, funding and detailed recordkeeping. Joe then joined us in the year 2005 and has been employed by the City of Strongsville and he has been assigned several responsibilities here, most notably, he was in charge of our budget and management division here, which was a nice title for it, you knew you were going to do everything you needed to do in the accounting department and the Finance Department under our then current Finance Director, Don Batke. So gentlemen, please, if you would, I place Joe Dubovec's name in nomination for the City's new Director of Finance, effective January 1, 2010.

Mr. DeMio – Mike, the Law Director has a statement, which I'll be making a motion on that.

APPOINTMENTS AND CONFIRMATIONS (cont'd):

Mayor's appointment of Joseph K. Dubovec, CPA, as Director of Finance for the City, to be effective January 1, 2010 (cont'd):

Mr. Kraus – Mr. President, Councilman DeMio. The motion should be: A motion pursuant to Article IV, Section 3 of the City's Charter, to confirm the Mayor's appointment of Joseph K. Dubovec, CPA, who is duly qualified, as the Director of Finance for the City of Strongsville, effective January 1, 2010.

Mr. DeMio – So moved.

Mr. Coyne – Second.

Roll Call: All ayes. Motion carries.

Mayor Perciak – Congratulations, Joseph.

(Applause)

Mr. Dubovec – May I say a...

Mayor Perciak – Sure, come on up to the mike.

Mr. Dubovec – It's an honor and privilege to accept the appointment of Finance Director for the wonderful City of Strongsville. I want to thank you, Mayor, and all members of Council for your vote of confidence. I will not let you down. Thank you.

(Applause)

PUBLIC HEARING:

Ordinance No. 2009-225. AN ORDINANCE AMENDING SECTION 1252.32(k)(3) OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN CONNECTION WITH REQUIREMENTS FOR CORNER LOT SETBACKS IN SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENT (R1-75 AND R1-100 DISTRICTS). *1st rdg: 11-02-09. Favorable recommendation by Planning Commission 11/05/09. 2nd rdg: 11-16-09.*

Council President Gallagher opened the Public Hearing on Ordinance No. 2009-225 and invited anyone wishing to speak ***IN FAVOR*** of the Ordinance to approach the podium and address Council at this time.

Tim Dean, 22100 Horseshoe Lane, Strongsville – Good evening, my name is Tim Dean; 22100 Horseshoe Lane; representing Milor Investments. I am in favor of the first ordinance regarding the corner lots and the setbacks for our subdivision, Schneider Reserve. Thank you.

Mr. Gallagher – Thank you. Is there anyone else in the audience for the Ordinance?

(No comments)

PUBLIC HEARING (cont'd):

Ordinance No. 2009-225 (cont'd):

President Gallagher invited anyone wishing to speak **IN OPPOSITION** of the Ordinance to approach the podium and address Council.

(No comments)

Hearing no further comments in regard to Ordinance No. 2009-225, Council President Gallagher declared the Public Hearing on said Ordinance closed.

Ordinance No. 2009-226. 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 SOUTH OF WHITNEY ROAD, OPPOSITE GROVESIDE DRIVE (PPNS 395-22-001, 395-22-002, 395-22-003 AND 395-22-004) IN THE CITY OF STRONGSVILLE FROM R1-100 (ONE FAMILY 100) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION. [Milor Investments, III LLC, Owner. Proposed Use: Single Family] *1st rdg: 11-02-09. Favorable recommendation by Planning Commission 11/05/09. 2nd rdg: 11-16-09.*

Council President Gallagher opened the Public Hearing on Ordinance No. 2009-226 and invited anyone wishing to speak **IN FAVOR** of the Ordinance to approach the podium and address Council at this time.

Tim Dean, 22100 Horseshoe Lane, Strongsville – Again, Tim Dean, 22100 Horseshoe Lane, Strongsville, Ohio. This we are in favor of to rezone the remaining forty-two acres of the rear portion of Schneider Reserve from R1-100 to R1-75. The previous plan was thirty-four single-family homes and forty-five clusters; what we are proposing through this rezoning is to add seventy-two single-family homes, which is actually a reduction in seven units. Thank you very much.

Mr. Gallagher – Thank you. Anyone else in favor of this Ordinance?

(No comments)

President Gallagher invited anyone wishing to speak **IN OPPOSITION** of the Ordinance to approach the podium and address Council.

(No comments)

Hearing no further comments in regard to Ordinance No. 2009-226, Council President Gallagher declared the Public Hearing on said Ordinance closed.

Mr. Gallagher – We will be voting on this this evening.

REPORTS OF COUNCIL COMMITTEES:

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Roth: Thank you, Mr. Gallagher. December 16th I attended the System Board – actually, it was a joint meeting of the System and Hospital Boards. It was a long marathon meeting with a lot accomplished. Some of the highlights were the budget there, 2010 budget, the purchase of a network security and privacy insurance companies, report on the IRS Form 990, a follow-up from our Trustee advance and, like I said, it was a busy night, but those were the highlighted topics for the evening.. That's all.

Mr. Gallagher – Thank you, Mark. Questions for Mr. Roth?

(None)

SCHOOL BOARD – Mr. Roth: Thank you, Mr. Gallagher. From the December 10th meeting, really besides regular business at that meeting, Best Buy gave a \$5,000 donation to the Strongsville High School DECCA, which was very nice, presented the School Board with that. That's all, Mr. Gallagher.

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

(None)

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

(No questions)

PUBLIC SERVICE AND CONSERVATION – Mr. Haseley: Thank you Mr. Gallagher; First on my agenda is Ordinance 2009-243, recommendation is to suspend and adopt, and this also will I think finalize the easements for the Pearl Road Widening; if there are any more, they will probably follow up next meeting. Ordinance 2009-261, authorizing the sale at public auction for certain obsolete and surplus vehicles, recommendation is to suspend and adopt. Ordinance 2009-262, authorizing the disposal of a Department of Public Service vehicle no longer needed, recommendation to suspend and adopt. Ordinance 2009-263, recommendation is to suspend and adopt, that is for the landscaping upkeep on 71 and 82. Ordinance 2009-264, recommendation is suspend and adopt, and this will finish the contract of O.R. Colan, who is involved in the Pearl Road Widening. And lastly, Resolution 2009-265 is to repurchase certain certificates for burial rights in the municipal cemetery, recommendation is to suspend and adopt. That concludes my report; I will answer any questions if there are any.

Mr. Gallagher – Questions for Mr. Haseley?

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: Thank you, Michael, a couple things. We met in back and then moved our meeting out to the Chambers; we had the Lego League Team members present a bike safety presentation, enlightening the Council, showed some results they were able to obtain, and I want to thank them again, and that was part of the Committee's report.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. DeMio (cont'd) - Mayor, if you could, next meeting, let us know a little bit about the final stages of the police station, if there is anything we need to know about, if we want to do another final walk-through, whatever you think, the Committee will do it, at your request.

Mayor Perciak – Mr. President, Mr. DeMio. Mr. Biondillo, I think you can give them an update right now.

Mr. DeMio – Okay, sounds great.

Mr. Biondillo – Yes. Mr. President, Mr. DeMio, Mayor. The facility is set to be occupied in approximately two weeks, the administrative portion of it. We have a two-week period where the security company is installing all of the security equipment, doing all of the final testing and so forth. So, the administration portion will be turned over and about two weeks after that, sometime in mid-January, the jail portion will be ready to be occupied. Again, a large component of that is all of the testing that's involved with the security systems, with the doors, the camera networks, the computer networks and everything else. So, a walk-through can be scheduled, I'm sure, anytime between now and then or shortly thereafter, at Council's discretion.

Mr. DeMio – It would be nice, Mayor, to see the progression, you know, it's quite a facility. So maybe in the near future once everything gets settled, with your approval and the Chief's, maybe we can take a nice walk-through.

Mayor Perciak – We'll be happy to do that. But then the real work begins, is the renovation of the old part, and so the entire police facility will not be completed until probably September 1st of 2010 because it's always sometimes more difficult to renovate the old than build the new and there's always the issue of what little mystery things we're going to find as we continue to demo certain parts of the old part and start renovating the old police station. So, that should prove to be an interesting time for us all.

Mr. DeMio – Yes, yes.

Mayor Perciak – Mr. Biondillo.

Mr. Biondillo – Yes, one last thing. The Mayor is correct, and that's Phase 2 of this project, the entire existing police facility and what used to be the Council Chamber will be vacated and everybody will now occupy the new addition, and then the renovation will start there sometime January first, after January.

Mr. DeMio – Great. I appreciate all the information you give us in the Committee and all the updates throughout the last year or so.

Mayor Perciak – And then one last thing, Mr. DeMio. This will be totally the call of the Chief, of Chief Goss; when appropriate and when the time is right, the Chief will announce a time or set up a time with the proper Council committees and the Administration as to when we can have an open house there and what parts of the facility we really can walk our residents through and what parts we cannot, simply just for safety reasons. So, as soon as the Chief has a timeframe or a timeframe he feels comfortable with, would you then notify us so that we can then open the facility up to the public.

Chief Goss – Yes I will, Mayor.

Mayor Perciak – Thank you, sir.

REPORTS OF COUNCIL COMMITTEES (cont'd):

Mr. DeMio – Mike, this Committee would be remiss if, in fact, we don't make a very special announcement tonight. It is Mr. Michael Gallagher's birthday, his 53rd birthday, and we would like to at least sing him Happy Birthday at this time. I know you really want us to do that.

Mr. Gallagher – We can do that under miscellaneous items.

Mr. DeMio – Well, too bad, Mike. You know what? We're going to overrule you right now.

(Members of Council and the Administration sang Happy Birthday to Council President Gallagher)

(Applause)

Mr. Gallagher – Thank you very much.

Mr. Haseley – After a not-too-good start, we did all right.

Mr. DeMio – That's right.

Mr. Gallagher – Questions for Mr. DeMio?

(None)

Mr. DeMio – There could not possibly be a question after that.

Mr. Gallagher – Thank you, gentlemen.

PLANNING, ZONING AND ENGINEERING – Mr. Coyne: Thank you, Mr. Gallagher. The Planning, Zoning and Engineering Committee met this evening, we have several items in our Committee. First, Ordinance 2009-225 regarding the cluster development, that's going to be amended by substitution and adopted this evening, as well as its companion piece, 2009-226. Ordinance 2009-255 is a contract to enter into construction for the Pearl Road Widening. Just so the public knows, that bid came in at \$8,949,966.60, three million dollars under what we estimated what it would be and that's fantastic. Fabrizi was the low bid, which is a very reputable company and I want to congratulate the Engineering Department, to come three million dollars under bid is phenomenal; that just tells you a little bit about their hard work and dedication and working with our Administration. So that's fantastic and that's going to start being a reality, and I know that that's been very important to Mr. Gallagher, who is the Ward 4 Councilman, and Mr. DeMio, who was the Ward 4 Councilman prior to Mr. Gallagher. So that's good news. Moving on, we have Resolution 256, an amendment to permit the construction of the addition to the Cleveland Clinic, which is a very exciting project, and then we have Ordinances 2009-257 and 258 and they're going to be placed on first reading and referred to Planning Commission. Are there any other questions that I can answer under this Committee?

Mr. Gallagher – Further questions for Mr. Coyne?

(None)

Mr. Gallagher – Thank you, Mr. Coyne.

REPORTS OF COUNCIL COMMITTEES (cont'd):

FINANCE - Mr. Dooner: Thanks, Mr. Gallagher. Finance Committee met this evening and we have Ordinance 2009-234, which we are going to place on third reading. We also have Ordinance 2009-259, which is making appropriations for current expenses, we're going to recommend suspend and adopt that. We are also going to have Ordinance Number 2009-260, we're recommending suspension and adoption, and that is enactment of the new position of Manager of Economic Development, and I think Brent's here just to make sure we do that. And that is all we have, Mr. Gallagher.

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

(None)

ECONOMIC DEVELOPMENT AND TECHNOLOGY – Mr. Daymut: We have no ordinances or resolutions on this evening's agenda. Depending on committee assignments, I have tentatively set a meeting for January 25 here in the Communications Center at 7 p.m. And we have now rescheduled our next Network Business Breakfast meeting for February 11. That's all I have, Mr. Gallagher. Thank you very much.

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

(None)

BUILDING AND UTILITIES – Mr. Roth: Thank you, Mr. Gallagher. Through no fault of the City, but just to voice for the people, for the last twenty years I witnessed, they're just wondering really if anyone – Mr. Walker, anyone in the Administration – could help us with voicing to the Water Department for twenty straight years four spots on Prospect and two spots on Jonathan blow out every twelve weeks – major water main breaks. Same spots, same bat time, same bat channel, every year, year after year. It's almost criminal the kind of money that the Water Department is investing in these same spots, fixing the same connections over and over and over again. But I know it's frustrating for us because it's not our jurisdiction, but I just – I don't know, maybe do things in a working-like manner there, hopefully.

Mr. Gallagher – Why don't you get together with Mr. Walker.

Mr. Roth – Okay. Maybe we could send off a letter or something there. Any Action Requests outstanding would be appreciated to get some responses there. And finally, my gift to Council, for the first time in twenty-two years is not singing my concerns to the constituents at the December Council meeting.

(Applause)

Mr. Roth – So Merry Christmas, Council. But here, look, I didn't sing my concerns and you get me singing Happy Birthday over there, but I keyed the mike off at the time, so. That's it, Mr. Gallagher.

Mr. Gallagher – Thank you, Mr. Roth, and you really need to get up to speed and start rapping your concerns; I think that would be a (unintelligible). Any questions for Mr. Roth?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

COMMITTEE OF THE WHOLE – Mr. Gallagher: This evening Ordinance 2009-253, place that on second reading.

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

Mayor Perciak – Only one comment this evening -- I spoke enough under the Appointments and Confirmations part of the Council meeting – is just to wish everybody a very Merry Christmas, a Happy New Year and all the best for everyone in our community, whether it be our residents, our business community, for a much, much better 2010 than we had in 2009, and I think everybody will agree on that. And please be careful Christmas Eve and Christmas Day, enjoy family, friends and faith and prayer together, but remember it is the holiday time, so be patient and all the other nice things that go along with Christmas. So, Merry Christmas to each and every one of you.

Mr. Walker – Thank you, Mayor.

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

(None)

Mr. Gallagher – And for the last time, Mr. Batke, the Finance report.

FINANCE DEPARTMENT - Mr. Batke: Well, thank you, Mr. President. Wow, a little drum roll.

Mr. DeMio – Did you forget?

Mr. Batke – No, I didn't forget.

Mr. Gallagher – Seems like only yesterday.

Mr. Batke – It does, doesn't it? For some of you. If you might indulge me for just a moment, Mr. President, if you could.

Mr. Gallagher – It's your floor, sir.

Mr. Batke – It's been an interesting twenty-one and a half years with the City of Strongsville, an interesting journey, and I'm sure some of you here can attest that the road was bumpy at times. And maybe we didn't always agree financially or politically, but I think you can all agree that the City truly is in its finest position now. I mean, we've seen some changes over the years and truly with Mayor Perciak, who has really become a trusted individual for me, hopefully for him as well, too, with me, and a good friend, above all. So I think the City is in remarkably good hands and you gentlemen up there on Council who have seen this occur, and Michael, you know yourself, as you eloquently expressed last week that the City is positioned well to meet the uncertainties that exist out there, and there are those, that is for sure. And I think all of that is a tribute to all of the people in this room, the directors and their fine staffs, who has made sure that the work continues, and I'm sure that will continue as time goes on.

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

Mr. Batke (cont'd): As you know, we are in a unique position as a city; we have to balance our budget and we can't operate at a deficit, like some of our fine folks in Washington seem to operate these days, so we are not in that position and will never be in that position. So I have been truly honored and blessed to have been a part of this the last twenty-one and a half years, and it's going to be interesting to see, but I'll keep an eye on you folks to make sure that things continue to go well. Now, I can do my report, I think, for the last time. So I can say, Mr. Gallagher, that funds will be made available for all of the ordinances and resolutions on this evening's agenda, and that means every single one, that requires certification of funding and up for adoption. And most importantly, I want to certify that funds will be made available January the 8th and January the 22nd, 2010, respectively, because that's when Gene and I get our final pay, so I can tell you that those funds will definitely be made available. Over and out. Thank you.

Mr. Gallagher – Well Don, you're not leaving the ship without your boots on. And on behalf of the Council and certainly myself, thank you for your guidance, it's been a pleasure, it has been a journey; we've had rough times and too many than we really need, but there have been the good times, and the City is positioned financially to hopefully meet what we need to. So, Godspeed, good luck...

Mr. Batke – I appreciate that.

Mr. Gallagher – Enjoy, travel...

Mr. Batke – I will.

Mr. Gallagher – Enjoy life. Thank you.

Mr. Batke – Okay.

LAW DEPARTMENT – Mr. Kraus: Yes, Mr. President, as you saw from the article this morning on the front page of the Plain Dealer, it would appear that our Northeast Ohio Regional Sewer District is about to embark on a program involving storm water management. If this passes, they will be reviewing projects brought here in the City of Strongsville and all the other communities within their district, they will also be imposing some type of storm water management fee on property owners, both residential and commercial and institutional. I did attend a meeting last Friday afternoon at the District, attended by various municipal law directors and engineers from around the county, and we did learn that due to some challenges to the authority of the District to embark on this program that this matter will be filed in the courts and that the courts will be reviewing both the legal authority for the District to delve into storm water in addition to the sanitary sewer and sanitary waste water areas that they have been involved in since 1979 under Judge McMonagle's court order and, secondly, that the court will be reviewing the magnitude and extent of the program. And so we will report back to the Mayor and Council as these proceedings unfold in the courts. The City of Strongsville, as well as the other municipalities in the District will be notified when these proceedings are filed in court and we will, of course, have an opportunity to attend hearings and to set forth questions and to set forth the position of the City with respect to the actions and the program that the Sewer District would appear to intend to embark on at this point in time.

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

Mr. Kraus (cont'd) - I would also like to report that all ordinances and resolutions before City Council this evening are in proper legal form. Thank you, Mr. President.

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

Mr. Daymut – Mr. Gallagher. I also read the article in today's paper and I am very dismayed the fact that they would implement this at this particular time. I would request that we have some type of resolution opposing the sewer board from passing anything at this particular time.

Mr. Kraus – Mr. President, Councilman Daymut. I would suggest that we hold that in abeyance until we see how this proceeds from a legal standpoint, but certainly I can start drafting something and I think the question will be the timing with respect to the court proceedings and then the board of trustees of the Sewer District are going to be meeting on January 7th to consider the matter. So, there is going to be a court intervention here and I would want us to have a full opportunity to set forth our position in the courts, rather than just to do it here through a resolution.

Mr. Daymut – Mr. Gallagher. Mr. Kraus, does that mean that we – And I would support (unintelligible) that litigation; it's my understanding Summit County is involved with that and various communities throughout northeast Ohio here, but could we become a part of that, or – at this time?

Mr. Kraus – Well, up until the meeting I attended on Friday, it had been my understanding that some of these other political subdivisions were threatening to initiate litigation. But what we heard at the meeting on Friday afternoon from the head of the Sewer District, executive director, was that they have retained counsel and that they themselves are going to first initiate a – what's called a declaratory judgment action and basically would take their program and put it in front of the Common Pleas Court to attempt to obtain their authority. I was also assured, as were all the other attendees at the meeting, that in that event that we would be officially served and notified, along with all the other communities, so that we would all become a part of the court proceedings.

Mayor Perciak – Which – Mr. President, Mr. Daymut, and Mr. Kraus – is a good thing for the City of Strongsville; it will give us a voice in this process. We have met with the Sewer District on two different occasions to express our displeasure with how they are – with the process they are going through or the procedure they plan to implement. We believe that we here at the local level have a much better chance on managing storm water and storm water runoff than they can, but, as they explained to us, it's just not what you do here locally, it's how it affects all your neighbors around you and all the surrounding communities. But what we do object to is our inability to voice our objec – the people's objections to this and how it will affect our businesses and schools and our residents. Really, this tax that they're talking about has really the least impact on our homeowners and it has the most impact on our schools and on our churches and the business community. So, yes, this is going to be a donnybrook and I don't believe it's going to go away quickly. I do believe that the Sewer District is going the litigious route to protect themselves, but in the same token, that's exactly what we had hoped for because it gives us a chance to file an answer with them and to pretty much stipulate all of our concerns. So, that's where it's at.

Mr. Gallagher – So we'll hold off on that, Mike, see what is done with the court and, at that time, when it's appropriate...

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

Mr. Daymut – Mr. Gallagher, that would be fine. At the same time, I think there's another path the Sewer District is following with some contractual agreements that were agreed to and there's litigation over that, so I would hope that any court, before they would hear this, would try to settle those matters with the overcharging, the overbilling and all the other array of problems they seem to have had over the years.

Mr. Gallagher – I think it's going to be interesting because all the money and time that we've spent here handling our storm water, we may – we have a good argument to recover some of that, I would argue. So, I guess it's in the courts and we'll leave it at that.

Mr. Daymut – Thank you.

Mr. Gallagher – Anything else for Mr. Kraus?

(No comments)

AUDIENCE PARTICIPATION:

Mr. Gallagher – This is the segment of the evening we have audience participation. Anyone in the audience wishing to comment with Council, we welcome your comments. You have five minutes. When you approach the podium, give us your name and address for the record; we appreciate it. I don't have anyone signed in, but if there is anyone in the audience wishing to speak with Council this evening, please step forward.

Bill Vassil, 18271 Fox Hollow Drive, Strongsville – Bill Vassil, 18271 Fox Hollow Drive. When you were a fledgling student at St. Edward's, Mr. President, you've come a long way.

Mr. Gallagher – In the heydays.

Bill Vassil – Mr. President, I'd like to talk to the Mayor a minute.

Mr. Gallagher – Well, when we're done with the meeting.

Bill Vassil – No, I want to talk to him now.

Mr. Gallagher - You know, because it's Christmas. Mayor, if you don't mind.

Mayor Perciak – No, it's okay.

Mr. Gallagher – All right.

Bill Vassil – I want to thank you, Mayor, for calling Southwest. I was amazed; we did get a call the following day. Some young lady called and wanted to know if our service was adequate, if their service was adequate, and my wife said to them, 'What service?' Now, if I get a bill, I'm going to give it to you. I hope you don't mind.

Mayor Perciak – I was disturbed as much – not as much as you were, but it troubled me when I heard your circumstances and I was on the phone the next day with the president of the hospital.

AUDIENCE PARTICIPATION (cont'd):

Bill Vassil – I know you were. You called me that morning, so I knew that you had been there, and then I promptly went outside with newspapers and broke a rib. But that's okay.

Mr. Gallagher – Thank you, Mr. Vassil. Anyone else?

(No comments)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2009-225 by Mayor Perciak and Mr. Coyne. AN ORDINANCE AMENDING SECTION 1252.32(k)(3) OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN CONNECTION WITH REQUIREMENTS FOR CORNER LOT SETBACKS IN SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENT (R1-75 AND R1-100 DISTRICTS). *1st rdg: 11-02-09. Favorable recommendation by Planning Commission 11/05/09. 2nd rdg: 11-16-09. Public Hearing: 12-21-09.*

Motion by Mr. DeMio, second by Mr. Coyne, to amend the Ordinance by substitution with a revised version inserting an emergency clause therein. All members present voted aye and the motion carried.

Motion by Mr. DeMio to adopt as amended, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-225 ADOPTED.

Ordinance No. 2009-226 by Mr. Coyne. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED SOUTH OF WHITNEY ROAD, OPPOSITE GROVESIDE DRIVE (PPNS 395-22-001, 395-22-002, 395-22-003 AND 395-22-004) IN THE CITY OF STRONGSVILLE FROM R1-100 (ONE FAMILY 100) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION. [Milor Investments, III LLC, Owner. Proposed Use: Single Family] *1st rdg: 11-02-09. Favorable recommendation by Planning Commission 11/05/09. 2nd rdg: 11-16-09. Public Hearing: 12-21-09.*

Motion by Mr. DeMio, second by Mr. Coyne, to amend the Ordinance by substitution with a revised version inserting an emergency clause therein. All members present voted aye and the motion carried.

Motion by Mr. DeMio to adopt as amended, second by Mr. Coyne.

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-226 ADOPTED.

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

Third reading. Referred to Finance Committee.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-243 by Mayor Perciak and Mr. Haseley. AN ORDINANCE REPEALING ORDINANCE NO. 2009-060; AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT AND TEMPORARY WORK EASEMENT FOR REAL PROPERTY LOCATED AT 17910 PEARL ROAD IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY. *1st rdg: 12-7-09.*

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

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

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

Nays: Roth.

Motion carries.

Ordinance No. 2009-243 ADOPTED.

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

Second reading. Referred to Committee of the Whole.

Ordinance No. 2009-255 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT (CUY-42-0.90) IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-255 ADOPTED.

Resolution No. 2009-256 by Mayor Perciak and Mr. Coyne. A RESOLUTION APPROVING AN AMENDED DEVELOPMENT PLAN FOR WESTFIELD SHOPPINGTOWN SOUTHPARK MALL TO PERMIT CONSTRUCTION OF AN ADDITION TO THE CLEVELAND CLINIC BUILDING; AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2009-256 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

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

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

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

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

Ordinance No. 2009-259 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2010.

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

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

**Roll Call: Ayes: Daymut, Coyne, DeMio, Dooner, Gallagher, Haseley.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-259 ADOPTED.

Ordinance No. 2009-260 by Mayor Perciak and Mr. Dooner. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO ENACT NEW SECTION 5-036 TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION OF THE POSITION OF MANAGER OF ECONOMIC DEVELOPMENT; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

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

**Roll Call: Ayes: DeMio, Dooner, Gallagher, Haseley, Daymut, Coyne.
Nays: Roth.
Motion carries.**

Ordinance No. 2009-260 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2009-261 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN OBSOLETE AND SURPLUS VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-261 ADOPTED.

Ordinance No. 2009-262 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE DISPOSAL OF A DEPARTMENT OF PUBLIC SERVICE VEHICLE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-262 ADOPTED.

Ordinance No. 2009-263 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR MAINTENANCE OF HIGHWAY LANDSCAPING AT THE I-71 AND SR-82 (ROYALTON ROAD) INTERCHANGE; AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-263 ADOPTED.

Ordinance No. 2009-264 by Mayor Perciak and Mr. Haseley. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SECOND AND FINAL AMENDMENT TO THE CONTRACT WITH O.R. COLAN ASSOCIATES OF FLORIDA, LLC FOR PROFESSIONAL RIGHT-OF-WAY ACQUISITION SERVICES IN CONNECTION WITH THE WIDENING OF PEARL ROAD (CUY-42-0.90) 700 FEET SOUTH OF DRAKE ROAD TO SHURMER ROAD [ODOT PID NO.80983, FEDERAL PROJECT NO. E060(420)], AND DECLARING AN EMERGENCY.

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

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

Roll Call: All ayes. Motion carries.

Ordinance No. 2009-264 ADOPTED.

ORDINANCES AND RESOLUTIONS (cont'd):

Resolution No. 2009-265 by Mr. Haseley. A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. (Bartlett)

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

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

Roll Call: All ayes. Motion carries.

Resolution No. 2009-265 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

Application for Liquor Permit – TRFO-C1-C2 To: *Franchise USA LLC, dba AM PM 2407, 16625 Royalton Road, Strongsville, OH 44136.* From: Standard Oil Co., dba BP Food Mart 04940, 16625 Royalton Road, Strongsville, OH 44136. (Responses must be postmarked no later than 01/04/2010)

There were no objections to the above application.

MISCELLANEOUS BUSINESS:

Mr. Gallagher – Mr. Magocky, we have not forgotten you and, on behalf of the Council -- Is this your last meeting or are you with us...

Mr. Magocky – Yes it is, Mr. President.

Mr. Gallagher – I don't want you to feel as though you're being left out and – you never have anything written down to say, like Mr. Batke does. But thank you very much for your service to this City.

Mr. Magocky – You're very welcome.

Mr. Gallagher – In your time here, Strongsville has changed immensely, as it has in twenty-one years when Don's been here. And I know the time and effort that you have put in to attracting businesses for this City and taking it to another level with the Mayor when he came on board. We truly are a destination for business in northeast Ohio, and that's witnessed by the companies that call us, as opposed to us calling them. I thank you, on behalf of the Council, and I greatly appreciate all your services, and good luck.

Mr. Magocky – Thank you, Mr. Gallagher. It is significant that we've moved from an agricultural society during Mr. Batke's time.

Mr. Batke – Am I that old, Gene?

Mr. Magocky – Thank you, Mr. Gallagher.

Mr. Batke – Like horse and buggy days, is that what you...

MISCELLANEOUS BUSINESS (cont'd):

Mr. Gallagher – Well this could only be an argument of stone age versus the dark ages. But thank you very much. Anything else, gentlemen?

(No comments)

Mr. Gallagher – Merry Christmas.

Multiple Voices – Merry Christmas.

Mr. Haseley – And a Happy, healthy New Year.

ADJOURNMENT:

There being no further business to come before this Council, Council President Gallagher adjourned the meeting at 8:52 p.m.


Leslie J. Seefried, MMC
Clerk of Council

APPROVED: January 4, 2010