

**SOLON CITY COUNCIL**  
**April 6, 2009 – 7:00 P.M.**

The Solon City Council met at City Hall on the above date.

Present: Council Members Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit, Mayor Patton, Law Director Matty, Clerk McConoughey

Absent: None

Vice Mayor Drucker presided.

NOTES OF CAUCUS DISCUSSION:

(Clerk's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during caucus. Agenda topics may not have been discussed in order, however, they have been placed in order for the convenience of this record.)

Also Present: Economic Development Manager Weil Dorfman, Planning Director Frankland, Police Chief Godzich, Assistant Public Works Director Hromco, Engineer Maver, Grantwood Director Mazzeo, Fire Chief Shaw, Water Reclamation Director Solanics, Finance Director Weber

Vice Mayor Drucker advised the Storm Water Action Plan Update will be held until the April 20<sup>th</sup> Council meeting.

PLANNING COMMISSION:

Mr. Frankland reviewed the following item from the Planning Commission.

1. 6271 SOM Center Road – Cipriani Companies (Sherwin Williams) - sign area variance: The applicant is proposing to replace the existing 40.8 ft wall sign with a 65.3 sq ft wall sign. The Code allows a 30 ft wall sign, however, the existing sign was grandfathered.

PENDING:

2. Ordinance No. 2009-49 hiring certain members of Mansour, Gavin, Gerlack & Manos for legal services related to the Briar Hill Lake property will remain on third reading.

4. Ordinance No. 2009-59 authorizing a non-exclusive easement agreement with AT&T: Mr. Frankland will review his discussion with AT&T and this item will be moved to the Inactive Agenda until the required screening of the AT&T cabinets has been completed.

## NEW:

5. and 6. Ordinances accepting the bid of Otto Environmental Systems for tipper carts and dumpsters for Phases 2 and 3 of the Automated Solid Waste Removal Program and accepting the bid of Bell Equipment Company for the purchase of three automated solid waste collection trucks: Vice Mayor Drucker said Phase 3 was not included in the 2009 budget, therefore, she is requesting these items be referred to the Finance Committee for further review.

## CORRESPONDENCE:

7. Correspondence from the Public Works Committee regarding 2009 City-wide Capital Expenditures: Vice Mayor Drucker said this issue will become a regular item on the Finance Committee's agenda.

## CONSENT:

Councilman Stolarsky requested Items 8 and 22 be removed from the consent agenda.

Item 8 will be considered following Item 6 and Item 22 will be considered following discussion of Item 8.

Ms. Weil Dorfman said she has not yet received the application fee.

Councilman Stolarsky said the applicant involved with Item 8 has been non-compliant in regard to various Planning Commission items and Councilman Stolarsky feels it is important that the applicant fully understands his obligations under the program.

Councilman Suit requested Item 19 be removed from the agenda. Item 19 will be considered following Item 22.

Vice Mayor Drucker said an executive session is necessary for consideration of property acquisition matters.

The caucus ended at 7:10 P.M. and the meeting began at 7:11 P.M.

Motion by Councilman Russo, seconded by Councilman Kraus to adjourn into executive session at 7:11 P.M. for the purpose of discussing property acquisition matters.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

The meeting reconvened at 7:35 P.M.

Also Present: Economic Development Manager Weil Dorfman, Planning Director Frankland, Police Chief Godzich, Assistant Public Works Director Hromco, Engineer Maver, Fire Chief Shaw, Water Reclamation

Director Solanics, Finance Director Weber

CHANGES TO THE AGENDA:

Item 8 was removed from Consent and heard following Item 6.  
Item 22 was removed from Consent and heard following Item 8.  
Item 19 was removed from Consent and heard following Item 22.  
The Storm Water Action Plan Update will be presented at the next meeting.

ANNOUNCEMENTS:

Vice Mayor Drucker said announcements are as listed on the agenda and noted the Safety and Public Properties Committee meeting has been rescheduled to April 7<sup>th</sup> at 6:00 P.M.

COMMENTS FROM THE AUDIENCE:

Mr. Bob Paulson, 33378 Allenbury Drive, said the city channel is now available on U-verse and the school channel will be available soon.

Mr. Paulson asked if Councilman Russo has received a business plan for Grantwood as requested at the January Finance Committee meeting and Councilman Russo stated he has not.

In regard to the cash reserve in the General Fund, Mr. Paulson believes the money should remain in the fund based on the condition of the economy. Mr. Paulson explained only 5% of property taxes are allocated to the city, and therefore, it is important to have this cash reserve available for unforeseen circumstances and expenditures.

Mr. Paulson is disappointed the senior housing development is progressing at a slow rate and that the apartments desired by many seniors will not be available until the Fall of 2010. Mr. Paulson believes the city should encourage expeditious development.

Mr. Paulson asked when City officials were first made aware that \$14 million would be available for the Bainbridge Road Reconstruction Project. Mayor Patton said the city was told six to eight weeks ago. Mr. Paulson questioned how projects funded by the stimulus monies are prioritized and why Bainbridge Road is a priority when other projects, such as the inner belt bridge, may be a greater necessity.

Councilman Kraus said he was surprised to discover that the Bainbridge Road project was at the top of the list for Cuyahoga County.

Councilman Scott advised the Grantwood Director has begun preparation of a business plan for Grantwood, however, he is currently preparing to open the golf course for the season which is crucial at this time.

MINUTES:

Motion by Councilman Pelunis, seconded by Councilman Kraus to approve the minutes of the March 16, 2009 meeting.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit

Nay: None

Motion Carried

PLANNING COMMISSION:

1. 6271 SOM Center Road – Cipriani Companies - 012-2009  
(Sherwin Williams)
  - 24.5 sq ft sign area variance

Mr. Frankland displayed the plan and explained the proposal to replace an existing 40.8 sq ft sign with a 65.3 sq ft sign. Although the Code allows only a 30 sq ft sign for this unit, a variance was previously granted. The applicant is requesting the larger sign to provide more visibility from SOM Center Road.

Councilman Stolarsky explained although Sherwin Williams previously occupied two units and has since reduced its space, the existing sign is grandfathered. Councilman Stolarsky said the Commission determined due to the location and distance from the street, it is quite difficult to read the current sign and approved the variance.

Councilman Suit opposed the size of the sign in proportion to the store front because it measures from one side of the store to the other. He believes approval would set a precedent for other businesses in the area.

In response to Councilman Suit's question regarding whether Mr. Frankland would recommend approval of the proposed sign, Mr. Frankland said he would support the code requirement.

Motion by Councilman Stolarsky, seconded by Councilman Kraus to approve the 24.5 sq ft sign area variance.

Councilman Scott questioned the practical difficulty.

Mr. Dave Wilkes, Highlight Maintenance, was present representing the applicant. Mr. Wilkes explained one reason for the change is the corporate re-imaging of the logo, however, the main reason for the request is the lack of visibility from the street which is not conducive to attracting business during this poor economy. Mr. Wilkes said consideration has been given to moving the store location. Mr. Wilkes said other businesses in the shopping center have larger signs and are closer to the street with more visibility.

Councilman Stolarsky agreed it is difficult to read the current sign from SOM Center Road.

Councilman Scott believes the current sign is acceptable and if the variance is granted, businesses with smaller signs in the shopping center may also request larger signs. Councilman Scott noted Sherwin Williams is also listed on the monument sign at the road.

Mr. Wilkes believes the monument sign is overcrowded and poses a safety hazard for those trying to read the sign from the road. He also noted a large tree in the parking lot also causes an obstruction.

Councilman Russo supports the variance and believes signs should be larger when placed a distance from the street as a safety precaution. He added that the city should accommodate businesses during the economic crisis.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Stolarsky  
Nay: Scott, Suit Motion Carried

PENDING:

2. ORDINANCE NO. 2009-49 HIRING CERTAIN MEMBERS OF MANSOUR, GAVIN, GERLACK & MANOS COMPANY TO SERVE AS SPECIAL LEGAL COUNSEL IN REGARD TO ACQUISITION OF THE BRIAR HILL LAKE PROPERTY, PP# 952-04-027 AND DECLARING AN EMERGENCY, was read for third reading.

Ordinance No. 2009-49 remained on third reading.

3. ORDINANCE NO. 2009-58 ACCEPTING THE BID OF PROFESSIONAL PUMP AND IRRIGATION SERVICE FOR THE PURCHASE OF THE MAIN IRRIGATION PUMP FOR USE AT GRANTWOOD GOLF COURSE, was read for second reading.

Motion by Councilman Pelunis, seconded by Councilman Stolarsky to suspend the rules and place Ordinance No. 2009-58 on third and final reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

4. ORDINANCE NO. 2009-59 AMENDING ORDINANCE NO. 2008-82 WHICH AUTHORIZED THE MAYOR AND THE FINANCE DIRECTOR TO ENTER INTO AN EXCLUSIVE EASEMENT AGREEMENT WITH AT&T, TO INCLUDE A NON-EXCLUSIVE EASEMENT AGREEMENT, was read for second reading.

Mr. Frankland reported that not all of the cabinets have been landscaped at this time. Mr. Frankland explained he met with Mr. Westerberg of AT&T and informed him the screening of the cabinets must be completed this planting season and that Council will not take any action until landscaping issues for all of the cabinets are completed. Mr. Frankland said Mr. Westerberg assured him he will take immediate action to complete the necessary landscaping of the cabinets.

Motion by Councilman Suit, seconded by Councilman Pelunis to move Ordinance No. 2009-59 to the Inactive Agenda.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

NEW:

5. ORDINANCE NO. 2009-79 ACCEPTING THE BID OF OTTO ENVIRONMENTAL SYSTEMS FOR THE PURCHASE OF TIPPER CARTS AND DUMPSTERS FOR PHASES 2 AND 3 OF THE AUTOMATED SOLID WASTE COLLECTION PROGRAM, was read for first reading.

Motion by Councilman Stolarsky, seconded by Councilman Kraus to refer Ordinance No. 2009-79 to the Finance Committee.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

Ordinance No. 2009-79 remained on first reading.

6. ORDINANCE NO. 2009-80 ACCEPTING THE BID OF BELL EQUIPMENT COMPANY FOR THE PURCHASE OF THREE AUTOMATED RUBBISH TRUCKS FOR PHASES 2 AND 3 OF THE AUTOMATED SOLID WASTE COLLECTION PROGRAM, was read for first reading.

Motion by Councilman Russo, seconded by Councilman Stolarsky to refer Ordinance No. 2009-80 to the Finance Committee.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

Ordinance No. 2009-80 remained on first reading.

8. ORDINANCE NO. 2009-81 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SHU-YUAN HSU AND CHIA-CHUN TSOU UNDER THE GROWTH AND REVITALIZATION INCENTIVE PROGRAM AND DECLARING AN EMERGENCY, was read for first reading.

Although Councilman Stolarsky does not object to the purpose of the GRIP program or helping out the business, he questioned if the applicant is fully aware of his responsibility under the GRIP program. On several occasions in the past, this applicant has demonstrated a professed lack of understanding of his obligations and has moved forward with projects without obtaining the proper permits. He has also installed banners after he was told they were unacceptable.

Mr. Frankland said a ground sign was installed on the site without the proper permits or variance, although an application may be submitted within the next few weeks.

During the Caucus, Ms. Weil Dorfman indicated she had not received the application fee, however, the fee was received prior to tonight's meeting.

Motion by Councilman Stolarsky, seconded by Councilman Suit to table Ordinance No. 2009-81 until the applicant contacts the Planning Department and complies with the Code requirements and is prepared to publicly state he has read and fully understands his obligations and every aspect of the agreement.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

Ordinance No. 2009-81 remained on first reading.

22. ORDINANCE NO. 2009-82 ACCEPTING THE PROPOSAL OF AMEC EARTH AND ENVIRONMENTAL, INC. FOR PROFESSIONAL SERVICES PERTAINING TO FEMA FLOOD HAZARD MAP MODIFICATIONS, was read for first reading.

Councilman Stolarsky said residents may have received a letter from the Engineering Department dated March 23rd advising that the FEMA maps are being redrawn for purposes of determining properties that may be added or removed from a flood plain. Such action may pose an amendment to the insurance requirements of residents by their mortgage companies. Councilman Stolarsky said affected residents may call the Engineering Department with questions or attend a meeting at the Northeast Ohio Regional Sewer District on April 18, 2009 from 4:00 P.M. to 7:00 P.M.

Councilman Kraus questioned if the City Engineering Department should hold a meeting or offer information on the website to inform residents.

Vice Mayor Drucker asked what type of services are included in the proposal and if the representative would be available to the residents.

Councilman Scott said the revised flood control maps are available in the Engineering Department and the purpose of hiring the consultant is to assist the residents with any questions. As discussed by the Public Works Committee, the total expense may not be necessary because it is based on the number of residents who respond with questions.

Vice Mayor Drucker has received inquiries from residents and asked if information regarding the consultant will be sent to residents. Councilman Scott has also received calls and has forwarded them to the Engineering Department. If necessary, the consultant will be hired based on the number of questions received.

Motion by Councilman Scott, seconded by Councilman Kraus to suspend the rules and place Ordinance No. 2009-82 on third and final reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

19. ORDINANCE NO. 2009-83 ACCEPTING THE PROPOSAL OF CT CONSULTANTS FOR PROFESSIONAL SERVICES NECESSARY FOR THE ANAEROBIC DIGESTERS AND ELECTRICAL UPGRADE, was read for first reading.

Councilman Suit said the proposal is for a \$442,000 contract for professional services, therefore, requests for qualifications are necessary. Mr. Matty agreed and explained Ohio Revised Code Section 153.65 to 153.70 relates to the statement of qualifications process for architectural or engineering design which should be adhered to.

Motion by Councilman Suit, seconded by Councilman Russo to prepare legislation to request qualifications for professional services necessary for the anaerobic digesters and electrical upgrade.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

CORRESPONDENCE:

7. Correspondence from the Public Works Committee regarding 2009 City-wide Capital Expenditures

Councilman Scott said this was referred to the Finance Committee to determine the amount to be spent on capital projects for 2009 to assure it is appropriated in the budget.

Vice Mayor Drucker said the issue will be discussed at the next Finance Committee meeting.

This item was tabled.

CONSENT:

Motion by Councilman Stolarsky, seconded by Councilman Kraus to suspend the rules and place the following Consent items on third and final reading.

9. ORDINANCE NO. 2009-84 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH VINCENT LIGHTING SYSTEMS UNDER THE JOB CREATION GRANT PROGRAM AND DECLARING AN EMERGENCY, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

10. ORDINANCE NO. 2009-85 ACCEPTING THE PROPOSAL OF GEO-SCI, INC. FOR THE 2009 ANNUAL MATERIALS TESTING PROGRAM, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

11. ORDINANCE NO. 2009-86 ACCEPTING THE BID OF TC CONSTRUCTION FOR THE 2009 ANNUAL SIDEWALK REPAIR PROGRAM, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

12. ORDINANCE NO. 2009-87 APPROVING A CHANGE ORDER TO THE CONTRACT WITH ALPHONSO AND SON, INC. FOR THE 2008 ANNUAL CATCH BASIN REPAIR PROGRAM, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

13. ORDINANCE NO. 2009-88 ACCEPTING THE BID OF WEST SIDE ROOFING FOR ROOF REPLACEMENT FOR VARIOUS BUILDINGS AT THE WATER RECLAMATION FACILITY, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

14. ORDINANCE NO. 2009-89 AUTHORIZING THE FINANCE DIRECTOR TO SELL OBSOLETE EQUIPMENT NO LONGER USED BY THE WATER RECLAMATION DEPARTMENT BY INTERNET AUCTION WITH GOVDEALS, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

15. ORDINANCE NO. 2009-90 ACCEPTING THE PROPOSAL OF MWH FOR PROFESSIONAL DESIGN SERVICES FOR THE PRESERVE RELIEF STORM SEWER PROJECT, PHASE II, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

16. ORDINANCE NO. 2009-91 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF VARIOUS SERVICE DEPARTMENT VEHICLES, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

17. ORDINANCE NO. 2009-92 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH GEOTECH SERVICES, INC. FOR THE 2008 ANNUAL CONCRETE PAVEMENT LEVELING PROGRAM, was read for first reading.

Councilman Russo recused himself from Item 17.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

18. ORDINANCE NO. 2009-93 ACCEPTING THE BID OF DAVEY TREE EXPERT COMPANY FOR THE 2009 ANNUAL TREE REPLACEMENT PROGRAM, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

20. ORDINANCE NO. 2009-94 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR GENERAL IMPROVEMENTS TO THE VETERAN'S MEMORIAL PARK, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

21. ORDINANCE NO. 2009-95 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR THE PURCHASE AND INSTALLATION OF A FOUNTAIN FOR THE VETERAN'S MEMORIAL PARK, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

23. ORDINANCE NO. 2009-96 APPROVING A CHANGE ORDER TO THE CONTRACT WITH MONTE CONSTRUCTION FOR THE AMBINA PUMP STATION AND FORCE MAIN PROJECT, was read for first reading.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried  
Final Passage: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit  
Nay: None Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM COUNCIL:

In turn, members of the Council wished everyone a Happy Easter and Happy Passover.

Councilman Pelunis attended the Healthy Solon event at the Community Center on Saturday, April 4<sup>th</sup>. He believes the event was very beneficial and well attended and commended those involved.

Councilman Pelunis said his newsletter was recently mailed to Ward 2 Residents and he invited anyone with questions to contact him.

Councilman Kraus commended Dave Peleg and the employees of the Community Center for their efforts and the well organized operation of the Community Center.

Councilman Russo reminded residents that on Saturday, April 11<sup>th</sup>, the 25<sup>th</sup> annual Easter Egg Hunt will be held by the Italian Club.

Councilman Russo said the Board of Elections has reduced the number of precincts. The Ward 7 polling location has been changed to the Senior Center.

Councilman Russo questioned how the potential straightening of Bainbridge Road will proceed and if it is included in the construction phase for that area.

Councilman Kraus said Phase 1 of the project will involve the area from City Hall to Liberty Road and Phase 2 will involve Liberty Road in Ward 3 to the corporate line. Councilman Kraus questioned if there is a Council consensus regarding straightening Bainbridge Road. He said the opinions of the safety forces, engineers and the county are unclear regarding the straightening. Councilman Kraus said the construction and design of the project will be decided at a pre-construction meeting in October.

Councilman Russo asked if it possible to be flexible with enforcement regarding the size of signs to offer businesses a chance to promote themselves given the current economy.

Mr. Frankland said legally, the City cannot be flexible with enforcement, however, at this time, the city is only responding to complaints received regarding violations.

Mr. Russo referred to the issue of installing landscaping to screen disability ramps at residences in addition to the burdens residents already face. Councilman Russo asked if the requirement for landscaping around such ramps can be discretionary and he referred to an example in his ward.

Mr. Frankland said landscape screening of handicap ramps is not required by code, however, is a policy placed on approval by the Planning Commission and the Council.

Vice Mayor Drucker said a ramp was installed in her ward and, at the time, she asked the Council to not require landscaping and the Council approved.

In regard to the Ward 7 example Councilman Russo spoke of, Councilman Stolarsky said he originally had no intention of requiring landscaping, however, the applicant's representative indicated the landscaping was a preference of the applicant.

Mr. Frankland explained when a condition is placed upon approval of a variance by the Planning Commission or the Council, it is the responsibility of the Planning Department to not issue a permit unless the condition is met.

It was noted the application referred to by Councilman Russo may be reconsidered to remove the contingency for landscaping.

Councilman Stolarsky commended the Law Director and his staff for the successful outcome in defending the City Charter in a recent Ohio Supreme Court case.

#### COMMENTS FROM THE ADMINISTRATION:

Members of the Administration wished everyone a Happy Easter and Happy Passover.

Mayor Patton commended Mr. Matty, Mr. Stanek, Mr. Busch, Mr. Maver and the representatives from the Briar Lake Association for meeting to discuss the Briar Lake Dam issue. He reported negotiations are progressing well. Mayor Patton also commended Councilmen Kraus and Suit for their participation in the negotiation process.

Mayor Patton requested the Council schedule meetings to review the Master Plan and to meet with Wells and Associates to discuss the traffic plan.

Mayor Patton commended Mrs. Weil Dorfman and Councilman Scott for their economic development efforts to bring new businesses to the City during the economic crisis.

Fire Chief Shaw thanked everyone who participated in the Harvest for Hunger Program.

Mr. Bandiera invited residents to the Earth Day Festival on Sunday, April 28<sup>th</sup> from 9:00 A.M. to 2:00 P.M. at the Community Park parking lot on SOM Center Road. A community document shred will be offered, compost and mulch will be available for sale and demonstrations will take place.

Motion by Councilman Pelunis, seconded by Councilman Scott to adjourn into executive session at 8:28 P.M. for the purpose of discussing property acquisition.

Roll Call: Aye: Drucker, Kraus, Pelunis, Russo, Scott, Stolarsky, Suit

Nay: None

Motion Carried

The meeting reconvened at 8:35 P.M.

Motion by Councilman Stolarsky, seconded by Councilman Pelunis to adjourn the meeting at 8:35 P.M.

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Vice Mayor

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Clerk of Council