

SOLON CITY COUNCIL
January 20, 2009 – 7:00 P.M.

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

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

Absent: Councilman Russo

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: Human Resource Director Cornhoff, Planning Director Frankland,
Police Chief Godzich, Grantwood Director Mazzeo, Assistant Fire
Chief Shebeck, Public Works Director Stanek, Finance Director
Weber

PLANNING COMMISSION:

Mr. Frankland reviewed the Items from the Planning Commission.

1. 33637 Aurora Road – Gionino's Pizzeria – front yard sign setback variance: Mr. Frankland explained the sign is to be placed on top of the East Coast Custard sign. A primary condition of approval was that the frame of the sign would be made of the same material and painted to match the current sign. Approval was also contingent upon the stipulations noted in the letter signed by Ms. Debbie Weiser, the owner of East Coast Custard. In response to Councilman Scott's inquiry, Mr. Maguire said the additional sign will be made of the same material and color and appear as one sign.

2. 6062 Chagrin Highlands Drive – Beverly Eisner Revocable Trust – accessory structure variances and accessory pavement variance: Mr. Frankland displayed a drawing and explained the gazebo was previously attached to the house and did not require a variance. However, once it was detached, it became an accessory structure with height and size restrictions. He further explained although a permit was approved for the accessory pavement by a former City employee, it was not issued through proper procedures. Therefore, the applicant should not be held responsible and Mr. Frankland recommended approval of the variance.

PLANNING COMMISSION CONSENT:

Councilman Suit requested Item 3 be removed from the Planning Consent Agenda. He said it was approved based upon its relationship to a sign on another building as opposed to properly considering the frontage.

Councilman Suit also requested that Item 4 be removed from the Planning Consent Agenda.

3. 28200 Miles Road, Suite F – Randy Kertesz (Michael W. Hayes Jewelers) - wall sign area variance: Mr. Frankland explained the sign is to be placed on a fifteen foot wide tenant space and the applicant believes a larger sign is necessary because of the length of the tenant's name.

Councilman Suit noted the neighboring business with the same frontage did not request a variance. Councilman Suit objects to the word "jewelers" being oversized in comparison to the name "Michael W. Hayes".

Mr. Ron Kertesz was present and said the tenant was concerned the sign would not be visible if it were smaller.

4. 6382 SOM Center Road – Mr. Chicken - Exterior alterations – awnings: Mr. Frankland reviewed the application and said the Commission approved the crimson red color.

Councilman Suit said he did not approve of the bright red color on the drawing, however, after seeing a sample of the new color, he has no objection.

Although there were no objections to Item 5, it was the only remaining Planning Consent item and, therefore, it will be considered as a regular Planning Commission item.

PENDING:

7. Ordinance No. 2008-341- Fire Department composition: Mayor Patton suggested the item be placed on the Inactive agenda, however, Councilman Suit suggested it be removed from the agenda and noted it can be brought back when details have been finalized.

The caucus ended at 7:20 P.M. and the meeting began at 7:20 P.M.

Motion by Councilman Pelunis, seconded by Councilman Kraus to adjourn into executive session at 7:21 P.M. for the purpose of considering pending and imminent litigation.

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

Motion Carried

The meeting reconvened at 7:30 P.M.

Also Present: Human Resource Director Cornhoff, Planning Director Frankland, Police Chief Godzich, Assistant Fire Chief Shebeck, Public Works Director Stanek, Finance Director Weber

CHANGES TO THE AGENDA:

Items 3, 4 and 5 were removed from the Planning Commission Consent Agenda and heard following Item 2.

ANNOUNCEMENTS:

Vice Mayor Drucker said announcements are as listed on the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

MINUTES:

Motion by Councilman Stolarsky, seconded by Councilman Pelunis to approve the minutes of the January 5, 2009 meeting as presented.

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

STORM WATER ACTION PLAN UPDATE:

Mr. Stanek provided an update to the storm water action plan.

- Residents with problems identified through dye testing will be notified and asked to contact the City to resolve various issues by July 31st. Mr. Stanek will follow up with residents who have not responded to requests to allow dye testing on their property.
- In-house work is continuing on the hydraulic design and sewer configuration for the Liberty Hill basin improvements. The structure on the property purchased to provide additional flood plain will be razed in the near future and the area will be cleared.
- Phase 1 of the Preserve Subdivision basin project is complete. Mr. Stanek will seek approval to request proposals for relief sewer design. Phase 3 involves the potential to store existing water in existing wetlands.
- The tree clearing for the Huntington detention basin will begin next month. The Army Corp of Engineers is reviewing the permit application.
- The Phase 1 design for Pepperwood drainage improvements is near final.
- Plans have been finalized for the Miles Road Sewer Improvement Project with a tentative bid date of February 27th and a tentative construction start date of April 1st. This project was designed in-house.
- The stream channel will be cleared in the Valley Forge area and a failing culvert will be replaced.

- A malfunctioning culvert will be repaired in the Sherbrook Drive area.
- Proposals will be requested for professional design services for the St. Mary's stream stabilization.
- Televising is taking place to add data to the GIS for the master sanitary sewer plan.
- An in-house plan for a dump pit for vectors and street sweepers is being addressed.

PLANNING COMMISSION

1. 33637 Aurora Road – Gionino's Pizzeria – Jason Maguire/ Charles Endreola 120-2008
 - 7' front yard sign setback variance

Mr. Frankland displayed the plan and explained the proposal to convert the single East Coast Custard sign into a multi-tenant sign to include the Gionino's Pizza name.

Councilman Stolarsky explained the sidewalk and parking lot prevent installation of the sign in other locations. The current sign was previously approved as a multi-tenant sign at the 3' setback requiring a 7' variance. The request was approved by the Commission contingent upon the background matching the existing sign, the framing around each sign is to match and should additional tenants desire to be added to the sign, the landlord will be responsible for making the changes with approval from the Planning Department. Mr. Maguire agreed to the contingencies.

Councilman Kraus said the parties involved have reached an agreement in regard to his concerns which were addressed in the letter of January 11, 2009 from East Coast Custard owner Ms. Weiser. Therefore, Councilman Kraus supports the variance.

There were no objections to the 7' front yard sign setback variance, therefore, it stood approved.

2. 6062 Chagrin Highlands Drive – Beverly Eisner Revocable Trust 003-2009
 - 31.75 sq ft accessory structure area variance (gazebo)
 - 10' accessory structure height variance (gazebo)
 - 487 sq ft accessory pavement area variance

Mr. Frankland displayed the plan and explained the request to maintain an existing gazebo and existing accessory pavement on the property. The gazebo was previously attached to the house, however, the applicant moved it to the rear yard which, subsequently, classified it as an accessory building under the code. Accessory buildings cannot exceed 168 square feet and the gazebo is approximately 199 square feet requiring the 31.75 square foot variance. The gazebo height is 22 feet, therefore, it requires a 10-foot height variance.

Mr. Frankland explained the applicant installed the accessory pavement after a former city employee incorrectly issued the permit. The need for the variance was not discovered until after the pavement was installed.

Councilman Stolarsky further explained the Commission's actions. Councilman Stolarsky believes the applicant is not responsible for the pavement variance. However, he does not support the accessory structure variances because he believes there is no practical difficulty. He said that variances are not necessary when the gazebo is attached to the house.

Councilman Suit supports the pavement variance as the permit was issued by the City. Mr. Frankland was unsure if the gazebo was approved by the city and said the Planning Department reviewed an application to move the gazebo slightly while still attached to the house.

Councilman Stolarsky said a majority of the Planning Commission approved the gazebo variances.

Vice Mayor Drucker supports the variances because the gazebo, although attached to the house, previously existed in the yard.

Councilman Suit added that the neighbor to the rear is separated by many trees and he believes it does not impose on the neighbor's privacy.

Councilman Scott said there were no objections from the neighbors.

Councilman Stolarsky does not support the 31.75 sq ft accessory structure area variance for the gazebo, however, did not make a formal motion.

There were no formal objections to the 31.75 sq ft accessory structure area variance for the gazebo, therefore, it stood approved.

Councilman Stolarsky does not support the 10' accessory structure height variance for the gazebo, however, did not make a formal motion.

There were no formal objections to the 10' accessory structure height variance for the gazebo, therefore, it stood approved.

There were no objections to the 487 sq ft accessory pavement area variance, therefore, it stood approved.

3. 28200 Miles Road, Suite F – Randy Kertesz (Michael W. Hayes Jewelers) 118-2008
 - 10.1 sq ft wall sign area variance

Mr. Frankland displayed signage drawings and explained the request.

Mr. Frankland said the first drawing shows the comparison of the proposed sign, which would be placed on a 15' wide business unit, to the KeyBank sign which is located on a 50' wide unit.

Mr. Frankland also displayed a drawing of a sign which would comply with the code, having an overall height of 21" with the smallest row of letters being 8" high.

The proposed sign has an overall height of 29" and the smallest row of letters would be 12" high.

Councilman Stolarsky further explained the Commission's actions. He explained the applicant feels very strongly that name recognition is important because he has built his reputation on his name rather than just being known as a jeweler.

Councilman Stolarsky supports the variance based on safety concerns because the building is somewhat setback from the road and the smaller lettering may produce traffic hazards to those driving by attempting to read the small lettering.

Councilman Suit said the Code indicates the size of signs is to be determined in relation to the width of the frontage of a storefront, not other signs in a shopping center. He said KeyBank's frontage is greater, therefore, they are entitled to a larger sign. He asked Mr. Frankland to confirm that other tenants with similar frontage have not requested variances. Mr. Frankland said that is correct.

Councilman Suit believes the building is close enough to the road to allow safe visibility of the sign and noted a ground sign will also contain the name of the business. He finds no practical difficulty and does not support the variance.

Although Councilman Pelunis understands Councilman Suit's concerns, there is only a difference of 10.1 sq ft between the two signs and in light of the current economic conditions, he feels the City should accommodate new tenants and will support the variance.

At Councilman Scott's request, Mr. Frankland explained on the proposed sign the name "Michael W. Hayes" is 12" high and "Jewelers" is 14" high. Councilman Scott understands the name has been established and if any of the lettering is predominant, it should be the name. However, he believes the word "Jewelers" should be the same size as the name.

Councilman Suit would accept the sign if all of the letters were 12" high, which would reduce the amount of the variance. He believes the current economy should not influence decisions for varying from the Code and questioned why the applicant would prefer the word "jewelers" to be larger than his name.

Vice Mayor Drucker clarified the Planning Commission approved the variance and four votes would be necessary to make any modifications.

Mr. Ron Kertesz, representing the applicant, was present and explained the name "Michael W. Hayes" could not be enlarged on the proposed sign, therefore, the word "jewelers" was increased. The sign at the applicant's previous location was similar and the applicant prefers to maintain the same recognition. Mr. Kertesz said the applicant is relocating to a new market and, therefore, also wished to maintain recognition as a jeweler by erecting a visible sign.

Mr. Kertesz asked if the recommendation is to decrease the size of the word "jewelers" and Councilman Suit said that is what he suggests.

Mr. Kertesz considered decreasing the size, however, Vice Mayor Drucker indicated that the majority of the Council may be in favor of granting the variance as approved by the Planning Commission.

Mr. Kertesz preferred not to modify the variance.

Motion by Councilman Suit, seconded by Councilman Scott to modify the sign to require all the letters in the sign to be 12" in height.

Roll Call: Aye: Scott, Suit

Nay: Drucker, Kraus, Pelunis, Stolarsky

Motion Failed

There were no objections to the 10.1 square foot wall sign area variance, therefore, it stood approved.

4. 6382 SOM Center Road – Mike Simens, FRC Enterprises 002-2009
(Mr. Chicken)
▪ Exterior alterations – awnings

Mr. Frankland displayed the plan and explained the proposal to add awnings to the Mr. Chicken restaurant. The applicant's original color choice, bright red, was an unacceptable color by Code, therefore, the applicant and Planning Commission approved a crimson red awning. The sample color was displayed.

Councilman Stolarsky said the Commission found the crimson red color to be acceptable.

Motion by Councilman Stolarsky, seconded by Councilman Scott to approve the site plan for exterior alterations for crimson red awnings.

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

Nay: None

Motion Carried

5. 33003 Aurora Road – Ivan Tsou – Lucky Buffet (formerly 004-2009
Shanghai Market)
▪ Site plan – roof modifications

Mr. Frankland displayed the plan and explained the request to replace the clay tile roof with a brown seamed metal roof. The City's architectural consultant reviewed and approved the application.

Councilman Stolarsky further explained the Commission's actions and noted the roof color is similar to the existing roof.

Motion by Councilman Stolarsky, seconded by Councilman Kraus to approve the site plan for roof modifications in the color presented to the Planning Commission.

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

PENDING:

6. Correspondence from Terry & Sharon Macklin regarding a proposed amendment to the C-5 Zoning District

Councilman Stolarsky said the Planning Commission reviewed the request and explored many alternatives and possibilities, however, the request to place the issue on the ballot to expand the uses was denied.

He explained the primary concerns were safety issues as the use would not only apply to the Macklin Event Center, which is experienced in working with teens, but to the entire zoning district and it would be difficult to maintain safety. The Mayor referred the overall use as part of the Master Plan to the Planning Director to review this type of use in all zoning districts.

Councilman Suit said based on reports from the Police Chief, there could be safety situations occurring outside of the Macklin Event Center that may be difficult to control.

Motion by Councilman Suit, seconded by Councilman Pelunis to reject the request to expand the uses in the C-5 Zoning District and place a rezoning issue on the ballot.

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

7. ORDINANCE NO. 2008-341 AMENDING SECTION 242.01 OF THE ADMINISTRATION CODE, FIRE DEPARTMENT COMPOSITION. This ordinance has had three readings.

Motion by Councilman Suit, seconded by Councilman Stolarsky to remove Ordinance No. 2008-341 from the agenda.

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

8. ORDINANCE NO. 2008-342 AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH REALTY INCOME CORPORATION FOR THE PURCHASE OF PP#'S 952-17-013 AND 952-17-023 AT 6120 SOM CENTER ROAD. This ordinance has had three readings.

Ordinance No. 2008-342 remained on third reading.

9. ORDINANCE NO. 2008-346 APPROVING PROPOSED AMENDMENTS TO SECTION 1288.02 OF THE CITY OF SOLON ZONING CODE REGARDING PROPERTY MAINTENANCE REQUIREMENTS, was read for third reading.

A public hearing is scheduled for the February 2, 2009 Council meeting.

Ordinance No. 2008-346 remained on third reading.

10. ORDINANCE NO. 2009-01 AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH CAMERATTA PROPERTIES, LP AND DISANTO ENTERPRISES, INC., was read for second reading.

Ordinance No. 2009-01 remained on second reading.

NEW:

11. ORDINANCE NO. 2009-08 AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A STORM WATER MANAGEMENT LEASE AGREEMENT WITH THE BRIAR LAKE ASSOCIATION AND DECLARING AN EMERGENCY, was read for first reading.

Councilman Kraus thanked those involved in the preparation of the lease agreement which included gathering many documents, easements and exhibits and was a time consuming process.

Councilman Kraus noted it is an unprecedented project occurring between the Homeowners Association and the City which includes the repair of portions of the old dam, replacement of the existing spillway and the construction of an Obermeyer emergency spillway, which was mandated by the Ohio Department of Natural Resources. He explained the lake has been used as a detention area for many homes in the northern portion of the City. This project will also protect those to the south and east of the lake from flooding in the occurrence of another major storm event.

Councilman Kraus complimented Mr. Stanek for his dedication to this project and the storm water management improvements which have been ongoing since the storm of June, 2006.

Councilman Kraus advised approval of the lease agreement is the first step in completing the improvements.

Councilman Suit expressed his concern in regard to the lease agreement. He advised a lease was originally prepared by the Law Director in 2008, however, many revisions have been made since that time and Councilman Suit displayed a stack of revisions he received from Mr. Matty from April, 2008. A review of the documents indicates most of the compromises have been agreed to on the part of the city and most of the requests for revisions have been made by

representatives for the homeowners. Councilman Suit believes Mr. Matty was provided with some incorrect information.

Councilman Suit read a portion of correspondence from the Association which referred to a contingency plan which was developed by URS and would provide requisite retention to the city, if ever necessary, at a minimal cost to the Association. It would involve removal of the Obermeyer system to be replaced by a concrete wall in conjunction with the reduction of the lake level, while providing for the city's retention requirements and would comply with ODNR's standards.

Councilman Suit would like more information regarding that alternative. During a review of the revisions, it appears there is a discrepancy regarding the actual amount of necessary acre footage of storage. Councilman Suit believes more clarification is necessary before approval of the lease agreement.

Motion by Councilman Suit, seconded by Councilman Pelunis to refer this item to the Law Director for his preparation of a memorandum to the Council setting forth the chronology from his initial April, 2008 storm water management lease agreement reviewing the numerous revisions through the final draft which was received by the Council last Friday, January 16th including all the changes made by the Briar Hill Homeowners Association as well as all the rights the City of Solon has lost from the first through the last draft.

Councilman Kraus said this issue has been under discussion for the last 6 or 7 years and although there has been discussion regarding a possible alternate plan, he is only aware of one plan currently being considered. He asked Mr. Stanek to clarify whether there is another feasible plan and, if so, to elaborate.

Mr. Stanek said it has been a struggle to reach this point in the process. Countless revisions were necessary to achieve the right plan. Mr. Stanek said other than the current plan, he finds the only alternative is to breach the dam and have the city acquire the property most likely through eminent domain, which would take more time and add more expense to the project.

Councilman Suit said what he read indicated the homeowners had a plan designed by URS and not the City. He feels it would be irresponsible for the city to approve the current plan until it is clear what rights the City has given up from the initial lease prepared by the Law Director. He also questioned the implied urgency by the Association since the Law Director initially prepared a lease agreement in April, 2008, and it has taken this long to be approved by the Association.

Councilman Pelunis said he has been very supportive of the project and residents of Briar Hill. However, the project has been discussed many times during the Public Works meetings and this is the first time he has been made aware of the possibility of an alternative plan calling for a concrete spillway or dam. Therefore, he agreed the item should be tabled. He requested Mr. Matty provide his memo regarding this issue prior to the next meeting.

Councilman Kraus had no objection to tabling the issue.

Mr. Lawrence Powers feels it is a misconception that the Association has continually asked for concessions each time Mr. Matty has prepared an agreement. He said the revisions were made as a result of difficult negotiations intended to protect the rights of both the Association, who is allowing the City to use its land, and the City.

Mr. Adam Fair, addressed Councilman Suit's comments regarding the discrepancies in regard to the necessary water storage. He advised that URS began work on the project and the city brought in its consultants, however, there have been four to five Public Works Directors involved since the project began. Once all the parties came together, it was determined different formulas were being used in the calculations regarding the necessary acre foot of water. Mr. Fair said many changes have occurred during the course of this project. In regard to the alternative plan, many issues were discussed by e-mail and an "alternative plan" was merely a discussion in regard to "what if" there was a breach in the dam, not an actual plan being considered because it would drastically change the character of the lake.

Mr. Powers said the Association has only considered a plan which would allow the nature of the land and the lake to remain the same character as it is now.

Councilman Suit took exception to Mr. Powers indication that his comments are false. He reviewed all of the documents that were edited. He referred to two communications sent by the Association to Mr. Matty which stated the Association had the support of four Council members. Councilman Suit said he has spoken with two of those Council members who assured him they were never contacted regarding the revisions or agreement.

Mr. Powers clarified he did not personally hear from the Council representatives. He said the information was provided by Councilman Kraus.

Councilman Suit restated his motion seconded by Councilman Pelunis to refer this item to the Law Director for the preparation of a memorandum to the Council setting forth the chronology from his initial April, 2008 storm water management lease agreement reviewing the numerous revisions through the final draft which was received on Friday, January 16th, including all the changes made by the homeowners association as well as the rights of the City of Solon that were lost from the first through the last draft in understandable terms.

As requested by Councilman Pelunis, Councilman Suit agreed to provide Councilman Pelunis with the information he received from the Law Director regarding the lease agreement negotiations.

Roll call: Aye: Drucker, Kraus, Pelunis, Scott, Stolarsky, Suit
Nay: None Motion carried

Councilman Scott questioned the outcome of the improvement petition for the project and asked if an Assessment Equalization Board is necessary.

Mr. Matty explained Mr. Weber must provide input regarding the Resolution of Necessity. Mr. Weber is the holder of the petition which Mr. Matty believes has approximately 82% of the signatures of the Briar Lake property owners attached to it.

Once the Resolution of Necessity is passed by the Council with a preliminary plan for both assessment purposes and construction purposes, notice would then be sent to the property owners and if there are any objections to the tentative assessment, an Assessment Equalization Board would be appointed to process the objections.

Ordinance No. 2009-08 remained on first reading.

12. ORDINANCE NO. 2009-09 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF THE MAIN IRRIGATION PUMP FOR GRANTWOOD GOLF COURSE, was read for first reading.

Councilman Pelunis said the main irrigation pump is in need of replacement and this will complete the pumping component of the irrigation system.

Motion by Councilman Pelunis, seconded by Councilman Scott to suspend the rules and place Ordinance No. 2008-09 on third and final reading.

Vice Mayor Drucker noted a cost was estimated of approximately \$16,000.

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

CONSENT:

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

13. ORDINANCE NO. 2009-10 ACCEPTING THE BID OF TRAX CONSTRUCTION FOR THE 2009 ANNUAL SANITARY AND STORM SYSTEM REPAIR PROGRAM/2009 STORM CHANNEL REHABILITATION PROJECTS, was read for first reading.

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

14. ORDINANCE NO. 2009-11 REDUCING THE SPEED LIMIT ON PETTIBONE ROAD FROM LIBERTY ROAD TO THE EAST CORPORATE LINE DURING THE

CONSTRUCTION PHASE OF THE PETTIBONE ROAD IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY, was read for first reading.

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

15. ORDINANCE NO. 2009-12 CONFIRMING THE WAIVER OF PROVISION OF SECTION 634.08A, CONSTRUCTION EQUIPMENT NOISE, TO PERMIT THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM CERTAIN WORK OUTSIDE REGULATED TIME PROVISIONS FOR A PROJECT TO PAINT US 422 BRIDGES IN THE CITY OF SOLON, was read for first reading.

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

16. ORDINANCE NO. 2009-13 APPROVING A CHANGE ORDER TO THE CONTRACT WITH FABRIZI TRUCKING FOR EMERGENCY ROADWAY REPAIRS, was read for first reading.

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

17. ORDINANCE NO. 2009-14 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR EMERGENCY ROADWAY REPAIRS, was read for first reading.

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

18. ORDINANCE NO. 2009-15 AUTHORIZING ADDITIONAL FUNDING FOR THE RESURFACING OF AURORA ROAD FROM SOLON ROAD TO RICHMOND ROAD IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, was read for first reading.

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

19. ORDINANCE NO. 2009-16 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH SPECIALIZED CONSTRUCTION FOR THE 2006 STREET PREVENTATIVE MAINTENANCE PROGRAM, was read for first reading.

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

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

20. ORDINANCE NO. 2009-17 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH BURTON SCOT FOR THE 2007 ANNUAL ASPHALT REPAIR PROGRAM, was read for first reading.

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

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

21. ORDINANCE NO. 2009-18 AUTHORIZING THE MAYOR AND/OR FINANCE DIRECTOR TO REQUEST ADVANCE PAYMENTS FROM THE COUNTY TREASURER AND COUNTY AUDITOR WHEN NECESSARY DURING THE CALENDAR YEAR 2009, was read for first reading.

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

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

22. ORDINANCE NO. 2009-19 ACCEPTING THE BID OF C.U.E. EXCAVATING CONTRACTORS, LLC FOR UTILITY RELOCATION IN THE VETERAN'S PARK AREA, was read for first reading.

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

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

23. ORDINANCE NO. 2009-20 AMENDING ORDINANCE NO. 2008-338 AND AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS TO INCLUDE ALL MASONRY WORK RELATED TO THE VETERAN'S MEMORIAL PARK PROJECT, was read for first reading.

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

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

24. ORDINANCE NO. 2009-21 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR MONUMENT STONES FOR THE VETERAN'S MEMORIAL PARK PROJECT, was read for first reading.

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

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

25. ORDINANCE NO. 2009-22 AUTHORIZING THE MAYOR TO ENTER INTO A WORK AGREEMENT IN CONNECTION WITH THE PETTIBONE ROAD INFRASTRUCTURE IMPROVEMENT PROJECT, was read for first reading.

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

COMMENTS FROM COUNCIL:

Councilman Kraus offered best wishes to President Obama and he hopes the economic crisis will be resolved.

Councilman Suit commended the Solon Center for the Arts for their weekend performances.

Councilman Suit reported there was a train derailment near Arthur Road. In Councilman Russo's absence, Councilman Suit requested an opinion from Law Director Matty regarding what rights the City may have in the investigation of the safety aspects involved in this incident.

Motion by Councilman Suit, seconded by Councilman Scott to refer the issue of the City's rights to review safety aspects involved in the recent train derailment.
Roll Call: Aye: Drucker, Kraus, Pelunis, Scott, Stolarsky, Suit
Nay: None Motion Carried

Councilman Suit said the Solon Common's car show was ranked #1 in the Super Cruise category and #2 for charitable cruises by an automobile magazine distributed in the Midwestern states.

Vice Mayor Drucker congratulated Councilman Stolarsky on his appointment as the new Chairman for the Planning Commission.

COMMENTS FROM THE ADMINISTRATION

Mr. Matty said the 14-acre Maresh property involved in conserving land through a conservation easement was scheduled to close this week, however, the Ohio EPA has not provided its approval which is necessary for the closing to occur. He anticipates EPA approval will be granted by the first week of February. Mr. Matty said the city is purchasing the land for approximately \$769,000. Mr. Hromco is preparing a restoration plan for the stream on the property.

Motion by Councilman Stolarsky, seconded by Councilman Scott to adjourn into executive session at 8:50 P.M. for the purpose of discussing compensation of a public employee and property acquisition.

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

The meeting reconvened at 9:35 P.M.

Motion by Councilman Stolarsky, seconded by Councilman Scott to adjourn the meeting at 9:35 P.M.

Vice Mayor

Clerk of Council