

**SOLON CITY COUNCIL
November 16, 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: City Engineer Busch, City Services Director Bandiera, Human Resource Director Cornhoff, Economic Development Manager Weil-Dorfman, Planning Director Frankland, Police Chief Godzich, Fire fighter Nix, Councilman elect Mooney, Fire Chief Shaw, Public Works Director Stanek, Finance Director Weber

Mr. Frankland reviewed each item from the Planning Commission.

PLANNING COMMISSION:

1. 27030 and 27070 Miles Road – Bowlus Investment Group, LLC: Mr. Frankland explained the application involves a Solon business expanding to a new location on Miles Road. Their plan is to move into a larger building which requires additional parking to accommodate the number of employees. They intend to purchase adjacent property located in Solon which is needed to provide an additional 79 parking spaces and a property adjacent to the parking lot located in Bedford which may eventually be used for a new building if their business continues to expand. They do not wish to combine the parcels at this time. However, the additional parking lot will cross property lines requiring a five foot variance for each parcel.

Mr. Frankland explained there is only a very small portion of the parking lot drive aisle which does not meet the required front yard setback, however, a variance is necessary.

Mr. Frankland said although a finalized drainage plan has not been received, the Engineering Department has reviewed drainage calculations and have not

identified any issues. Also, a detailed front yard landscape plan has not been received but he explained about 75% of the front yard parking was installed before the Code required a landscape plan. Additional landscaping is indicated on the plan, however, it does not meet the current 90% required landscape screening.

Councilman Stolarsky said the lots are not non-conforming. The variances are necessary because the parking lot will cross the property line.

Mr. Matty said a minor amendment is needed for the cross access agreement which he will review during the meeting. He also requested a copy of Exhibit "B" regarding a property description.

Councilman Suit questioned why the lot located in Solon cannot be consolidated. He noted the lot is very narrow and if a new building is constructed, it would most likely be on the lot located in Bedford.

Mr. Caplan said any future building would most likely straddle the parcel located in Solon and the parcel located in Bedford. Both properties combined are only about 140'. ECRM prefers to keep all options available in the event they want to expand.

2. 6511 Woodbury Drive – LaSalle Bank, N.A., Trustee: Mr. Frankland explained a house and a vacant parcel were under common ownership and never combined as required. The house was foreclosed upon but not the vacant lot which is still under the ownership of the former owner. Although an interested buyer for the house considered also buying the vacant property, it was discovered there are liens totaling approximately \$300,000 on the vacant parcel making it unfeasible to purchase the vacant property. If the variance to not combine lots under common ownership is considered, proof of the lien amount should be provided. Also, there is an existing swimming pool which crosses the property line to the vacant parcel and an easement is proposed to allow the pool to cross the property line.

Councilman Stolarsky said the easement issue is between the two property owners. He is concerned if the variances are not granted, both parcels will remain vacant and surrounding property values will be affected.

Councilman Suit said he would want to see the actual liens before approving the variances because he finds it difficult to believe a creditor would take liens of \$300,000 on a vacant parcel that is not worth that amount and may not even be a buildable lot.

Mr. Ben Carnahan, representing the applicant, said the title exam indicated a number of judgment liens and a copy was included in the application materials.

In response to Councilman Suit's inquiry regarding the application, Mr. Matty said he has not had an opportunity to review the information regarding the liens in relation to when the foreclosure was initiated and the chronological issues

regarding the liens. He also noted no practical difficulty has been presented, only financial reasons for not consolidating the lots.

Mr. Carnahan explained the judgment liens were initiated before the foreclosure and were extinguished with the foreclosure on the property located at 6511 Woodbury Drive.

Mr. Matty questioned the Planning Commission's review of practical difficulty and Councilman Stolarsky explained the concern that if both of the parcels remain vacant, the property values in the area will decline.

Mr. Matty said he would need to know the chronology of how the liens occurred and how they total \$300,000. He wants to see the action that was filed to determine if the same liens were put on the front parcel and were extinguished.

Mr. Matty also noted information regarding practical difficulty is necessary to consider the variance.

Mr. Watts, the prospective buyer, was present and was frustrated because he has been trying to purchase the house for approximately 20 weeks. It is imperative that he purchase a house in Solon as his children have been attending the Solon Schools. He has been told if he does not have a residence in Solon by the end of the month, he will be charged \$6,000 for his children's attendance.

As suggested, Mayor Patton agreed to contact School Superintendent Regano on behalf of Mr. Watts to discuss the situation.

The application will be tabled until the December 7th meeting.

PLANNING COMMISSION CONSENT:

There were no objections to the items on the Planning Commission Consent Agenda. Vice Mayor Drucker advised those applicants it was not necessary for them to attend the meeting.

PENDING:

6. From Alexander Mikhalev, 6368 Woodbury Drive, appealing the Planning Commission's denial of a side yard and rear yard setback variance for a pool:

Councilman Kraus requested the item be tabled.

7. & 8. Ordinance Nos. 2009-265 and 2009-266: Agreement with PropertyRoom.com: A memo was received from Chief Godzich recommending that larger items be disposed of through GovDeals.com and smaller items be disposed of by PropertyRoom.com.

NEW:

11. Ordinance No. 2009-272 – amendments to the Building and Housing Code: Mr. Frankland said a minor amendment is needed. Councilman Suit pointed out that the wording in Section 1424.99 appears to indicate as if the Chief Building Official has the discretion to fine or not to fine. However, the intent is that he has the discretion to fine the property owner and/or the contractor. He read the suggested amendment.

CORRESPONDENCE:

13. Davis/BMW access road: Councilman Suit referred to a memo from Traffic Engineer Westbrook which stated that funding may be available from ODOT for the access road.

CONSENT:

22. Ordinance No. 2009-273 amending the 2009 annual appropriations: Councilman Suit requested this item be removed from the Consent agenda. It will be heard following Item 11. Considering tax collections have significantly decreased, Councilman Suit questioned the decision to pay off the library bonds.

Mr. Weber explained bond holders have already been notified based on the earlier decision and, therefore, it must be paid or the City will be in default.

Councilman Scott said he did not agree with the earlier decision and he would like the opportunity to vote against the ordinance.

Vice Mayor Drucker advised an executive session is necessary for imminent litigation.

The caucus ended at 7:29 P.M. and the meeting began at 7:32 P.M.

Also present: Human Resource Director Cornhoff, Planning Director Frankland, Police Chief Godzich, Fire Chief Shaw, Public Works Director Stanek, Finance Director Weber

CHANGES TO THE AGENDA:

Item 22 was removed from Consent and heard following Item 11.

ANNOUNCEMENTS:

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

COMMENTS FROM THE AUDIENCE:

Mr. Bill Mazur, 36105 Churchill Drive, Planning Commission member, extended good wishes to Mayor Patton and Councilman Suit on their retirement.

MINUTES:

Motion by Councilman Stolarsky, seconded by Councilman Suit to approve the minutes of the November 2, 2009 meeting.

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

Nay: None

Motion Carried

STORM WATER ACTION PLAN UPDATE:

Mr. Stanek provided the following update:

- The smoke and dye testing program has reached a point where enforcement procedures are necessary, however, most issues have been resolved.
- Smoke testing was conducted in Chagrin Valley Estates. Letters were sent to those residents requesting that they make an appointment for dye testing.
- The progress of each detention basin project was discussed.
- The Briar Hill Dam improvements are in design review and plans will be submitted to the Army Corp of Engineers, the ODNR and OEPA.
- Current and future sewer projects were discussed.

PLANNING COMMISSION:

1. 27030 and 27070 Miles Road – Bowlus Investment Group, LLC 091-2009
 - 5' parking lot side yard setback variance – east side – PC approved
 - 5' parking lot side yard setback variance – west side – PC approved
 - 28.1' parking lot drive aisle front yard setback variance – PC approved
 - Site plan approval – parking lot expansion – PC recommends approval contingent upon:
 - Engineering Department's approval of storm water drainage calculations
 - Review of final landscaping plan by Planning Director
 - Law Director's approval of cross access agreement

Mr. Frankland displayed the plan and explained the proposal to move an existing business to Miles Road. Mr. Frankland said a parking lot expansion is necessary to accommodate the number of employees. The parking lot would cross a property line zoned for industrial use but currently used as a residential use, therefore, variances are necessary. The applicant prefers not to combine the properties at this time.

Councilman Stolarsky further explained the Commission's actions. He explained although the Commission would prefer the lots be combined, it is not required and the applicant was unsure of how the property will be utilized in the future. The contingencies to the site plan were discussed.

Mr. Matty reviewed the requested modifications to the agreement. He said the first page of the reciprocal easement agreement refers to Exhibit B titled "The Romano Property" and asked that the parcel number with a legal description be submitted as Exhibit B.

Mr. Matty asked that a standard provision regarding modification be added to Section 8 to read "any modification would be in writing, executed by all the parties, with the consent of the City of Solon needed for that modification".

Mr. Matty will advise the Clerk of his approval after he reviews the amendments.

There were no objections to the 5' parking lot side yard setback variance for the east side, therefore, it stood approved.

There were no objections to the 5' parking lot side yard setback variance for the west side, therefore, it stood approved.

There were no objections to the 28.1' parking lot drive aisle front yard setback variance, therefore, it stood approved.

Motion by Councilman Stolarsky, seconded by Councilman Scott to approve the site plan for parking lot expansion contingent upon the Engineering Department's approval of the storm water drainage calculations, the development of an appropriate landscape plan by the Planning Director and a final execution of the reciprocal cross access agreement including the amendments indicated by the Law Director.

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

Nay: None

Motion Carried

2. 6511 Woodbury Drive – LaSalle Bank, N.A., Trustee – 092-2009
PP# 954-32-051 and 954-33-057
- Variance to not combine lots under common ownership – PC approved
 - 40' rear yard setback variance - PP# 954-32-051 – 6511 Woodbury Drive
PC approved

Mr. Frankland provided a brief explanation of the application and said additional information is necessary.

Vice Mayor Drucker said the application will be tabled and the applicant will submit further information to the Law Director.

PLANNING COMMISSION CONSENT:

3. 30340 Solon Industrial Parkway – PP#'s 953-22-019 088-2009
and 020 - Tameran, Inc.
- Approval of revised lot split – PC approved
4. 32825 Bainbridge Road – Robert and Helen Poletok Trust 090-2009
- Approval of demolition permit for a structure within the Historic

District – PC approved (the Planning Commission tabled consideration of a variance to permit a residence without an enclosed garage)

Motion by Councilman Stolarsky, seconded by Councilman Pelunis to suspend the rules and approve the items of the Planning Commission Consent Agenda.

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

PENDING:

5. RESOLUTION NO. 2009-141 DECLARING IT NECESSARY TO IMPROVE CERTAIN PROPERTY IN THE CITY BY PROVIDING FOR A STORM WATER RETENTION FACILITY OF THE CITY PURSUANT TO A LEASE BY IMPROVING THE BRIAR HILL LAKE DAM AND RELATED AREA AND DECLARING AN EMERGENCY. This resolution has had three readings.

Resolution No. 2009-141 remained on third reading.

6. Correspondence from Alexander Mikhalev - 6368 Woodbury Drive, appealing the Planning Commission's denial of:
- Side yard setback variance for a pool
 - Rear yard setback variance for a pool

Motion by Councilman Kraus, seconded by Councilman Suit to table the request for appeal from Alexander Mikhalev.

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

Nay: None

Motion Carried

7. ORDINANCE NO. 2009-265 AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE AN AGREEMENT WITH PROPERTYROOM.COM FOR THE SALE OF EXCESS POLICE DEPARTMENT PROPERTY NOT NEEDED FOR A PUBLIC USE BY INTERNET AUCTION FOR THE YEARS 2009/2010, was read for second reading.

At the last meeting, Councilman Suit questioned if other internet sales providers may offer a more competitive proposal in which the City will retain a larger percentage of the items sold. A memo was received from Police Chief Godzich and it was determined that GovDeals.com should be utilized for larger items such as vehicles and PropertyRoom.com should be utilized for smaller items, as indicated in Chief Godzich's memo.

Mr. Matty said new legislation will need to be prepared to include GovDeals.com.

Motion by Councilman Suit, seconded by Councilman Pelunis to prepare legislation consistent with the Police Chief's memo of November 11, 2009 to use GovDeals.com for large items and PropertyRoom.com for small items.

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

Nay: None

Motion Carried

Ordinance No. 2009-265 remained on second reading.

8. ORDINANCE NO. 2009-266 AUTHORIZING THE FINANCE DIRECTOR AND POLICE DEPARTMENT TO SELL EXCESS POLICE DEPARTMENT PROPERTY NOT NEEDED FOR A PUBLIC USE BY INTERNET AUCTION WITH PROPERTYROOM.COM, was read for second reading.

Ordinance No. 2009-266 remained on second reading.

9. ORDINANCE NO. 2009-267 RESCINDING THE GROWTH AND REVITALIZATION INCENTIVE PROGRAM AGREEMENT WITH HARTVILLE PROFESSIONAL CENTER, INC., was read for second reading.

Ordinance No. 2009-267 remained on second reading.

10. ORDINANCE NO. 2009-268 ACCEPTING THE PROPOSAL OF O'NEILL LANDSCAPE DESIGN AND INSTALLATION FOR PROFESSIONAL LANDSCAPE DESIGN SERVICES FOR THE BAINBRIDGE ROAD RECONSTRUCTION PROJECT, was read for second reading.

Ordinance No. 2009-268 remained on second reading.

NEW:

11. ORDINANCE NO. 2009-272 APPROVING PROPOSED AMENDMENTS TO SECTIONS 1424.99, 1432.99 AND 1424.12 OF THE CITY OF SOLON BUILDING AND HOUSING CODE TO ESTABLISH FINES FOR COMMENCING CONSTRUCTION WITHOUT BUILDING PERMITS, was read for first reading.

A public hearing was scheduled.

Mr. Frankland said the ordinance establishes fines of \$1.00 per square footage of project area plus the regular cost of the permit for flat rate permits and makes flat rate permits more proportional to the square footage permits.

Mr. Frankland said a minimum fine of \$150 will be established as requested by the Planning Commission. The Chief Building Official would have the discretion of fining either the property owner or the contractor. The ordinance also allows a lien to be placed on the property for the cost of any unpaid fines. An appeals process will be established in which those who are fined under the ordinance are provided an opportunity to appeal the fine to the Council. The Council will have the ability to modify, approve or rescind the fine.

Motion by Councilman Scott, seconded by Councilman Pelunis to amend Ordinance No. 2009-272, Section 1424.99, Section B, Collection of Fines, to add verbiage to line two to read "any fine established under provisions of this section shall be assessed by the Chief Building Official to the owner of the property in question and/or to the contractor who has performed the work in question".

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

Motion Carried

Vice Mayor Drucker opened the public hearing and asked for comments.

Mr. George Hoffman, 6406 Woodbury Drive, is concerned that increasing the penalties will not increase compliance. He would like the projects that require building permits to be reviewed to ensure there is a valid and logical reason for them. He explained his personal situation where a permit was required to replace his air conditioner, but a permit wasn't necessary to remove a load-bearing wall to extend the air ducts. He believes the City should explain to residents why a permit is necessary for their project. Mr. Hoffman said a list of every project requiring a building permit should be available on the City website. He believes the City should periodically remind residents to contact the City when considering a project. Mr. Hoffman said extended hours in the Building Department may be helpful to residents who work during the day.

There were no further comments and Vice Mayor Drucker closed the public hearing.

Mr. Frankland advised that projects requiring permits are controlled and listed in the Ohio Building Code. He said information is available online regarding which planning and zoning projects need permits and an explanation of the process is provided, however, it is difficult to list every project. Therefore, it is best to check with the departments prior to proceeding. Mr. Frankland said the Chief Building Official occasionally visits properties interested in performing projects during evening hours.

Councilman Kraus recommended a link be provided on the website to the Ohio Building Code.

Councilman Stolarsky believes residents should contact the City if they are uncertain if a permit is necessary. He believes the penalties address an ongoing problem in the City and permits and inspections ensure that projects are completed correctly with appropriate approvals. Councilman Stolarsky said the ordinance will evenly apply fines and permit fees for projects and is not for revenue-generating purposes.

Councilman Scott is pleased there is an appeals process in the ordinance. He suggested all licensed contractors and those applying for a new license should receive a copy of the ordinance.

Motion by Councilman Stolarsky, seconded by Councilman Pelunis to suspend the rules and place Ordinance No. 2009-272 on third and final reading as amended.

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. 2009-273 AMENDING THE ANNUAL APPROPRIATIONS FOR SALARIES/WAGES AND OTHER EXPENDITURES OF THE CITY OF SOLON FOR THE PERIOD JANUARY 1, 2009 TO DECEMBER 31, 2009, was read for first reading.

Councilman Suit questioned if it is prudent to pay off the library bonds this year considering income tax collections are significantly lower this year than they were at the same time last year. Councilman Suit stated he did not support paying off the bonds initially.

Vice Mayor Drucker clarified that a partial payment will be made for the library bonds. The issue was discussed at the Finance Committee meeting earlier in the evening and Vice Mayor Drucker asked Mr. Weber to explain the payment.

Mr. Weber said despite the shortfall of income tax, the general fund balance is healthy. He said the revenue is beginning to equal expenditures unlike in the past, which is how the reserves were accumulated. Mr. Weber said the City has committed to billing the bonds based on the tax budget passed in July.

Councilman Pelunis supports paying off the bonds. He asked Mr. Weber if the City could be in default if the bonds are not paid.

Mr. Weber said yes.

Councilman Pelunis said a commitment was conveyed to the residents that they will receive a property tax deduction.

Motion by Councilman Stolarsky, seconded by Councilman Kraus to suspend the rules and place Ordinance No. 2009-273 on third and final reading.

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

Nay: None

Motion Carried

Final Passage: Aye: Drucker, Kraus, Pelunis, Stolarsky

Nay: Scott, Suit

Motion Carried

CORRESPONDENCE:

12. From the Planning Commission recommending approval of a proposed ordinance requiring all construction to be performed in a "workmanlike manner"

A public hearing has been scheduled for the December 7, 2009 Council meeting.

13. From the Safety and Public Properties Committee regarding the access road associated with the Davis BMW Dealership

Councilman Suit said last year when Mr. Davis proposed a larger expansion than currently proposed, an access road was discussed that would extend from the Bob Evans Restaurant driveway to the connector road ending at Kruse Drive. Although the project has been minimized, the question of the access road remains. Councilman Suit said both ODOT and the traffic engineer have studied

the location to determine if there will be any negative impact on the surrounding intersections. The traffic engineer recommends that the access road be installed and that a concrete triangle be placed in the Bob Evans driveway to prevent left turns out of the driveway and recommended discussion of prohibiting left turns into the Bob Evans driveway for northbound traffic on SOM Center Road. Councilman Suit said the driveway has a high accident rate. The Safety and Public Properties Committee recommended that the access road be installed and the traffic engineer indicated that funding may be available through ODOT since their study was performed.

Councilman Stolarsky viewed the Safety and Public Properties Committee meeting discussion and he understood that the access road would have no negative impact on traffic.

Councilman Suit clarified that the access road would not increase capacity of traffic on SOM Center Road, however, may be a safety issue because of the high accident rate at the Bob Evans/SOM Center driveway.

Councilman Stolarsky said if the access road is approved, it will be with the understanding that it will not significantly improve traffic on the surrounding roads.

Councilman Kraus said the access drive will assist with safety issues for other businesses in the area in regard to traffic patterns and navigating the connector road.

Mr. Matty said upon Council's earlier direction, he, Mr. Busch and Mr. Stanek will arrange a meeting with Mr. Davis and possibly the traffic engineer for discussion, after which property acquisitions can begin in the area.

Councilman Suit recommended the traffic engineer, Mr. Westbrook, contact ODOT in regard to pursuing funding if the access road proceeds.

CONSENT:

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

The appropriate Council or Administrative representative provided an explanation for each item.

14. ORDINANCE NO. 2009-274 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH MONTE CONSTRUCTION FOR THE AMBINA DRIVE PUMP STATION AND FORCE MAIN PROJECT (CONTRACT NO. 2008.17), 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. 2009-275 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH SHOOK CONSTRUCTION FOR THE TERTIARY FILTER REHABILITATION PROJECT (CONTRACT NO. 2007.22), 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. 2009-276 APPROVING A CHANGE ORDER TO THE CONTRACT WITH R. GREEN LEVELING FOR THE 2009 ANNUAL PAVEMENT LEVELING PROGRAM (CONTRACT NO. 2009.13), 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. 2009-277 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR SOIL REMEDIATION SERVICES FOR A SALT STORAGE FACILITY, 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. 2009-278 AUTHORIZING THE FINANCE DIRECTOR TO ADVERTISE FOR BIDS FOR THE PURCHASE AND INSTALLATION OF A SALT STORAGE FACILITY, 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. 2009-279 ACCEPTING THE PROPOSAL OF THE ILLUMINATING COMPANY FOR SERVICES ASSOCIATED WITH THE ACCELERATION OF THE UTILITY RELOCATION FOR THE PETTIBONE RECONSTRUCTION PROJECT, PHASE III, 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. 2009-280 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED JOB CREATION GRANT AGREEMENT WITH EFFICIENT COLLABORATIVE RETAIL MARKETING COMPANY AND ITS AFFILIATE THUMBPRINT, LLC, 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. 2009-281 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HUNTER DEFENSE TECHNOLOGIES, INC., (DBA HDT ENGINEERED TECHNOLOGIES), HDT TACTICAL SYSTEMS, INC., HDT EXPEDITIONARY SYSTEMS, INC., HDT TACTICAL POWER, INC., HDT ENGINEERING SERVICES, INC. AND VERTIGO, INC. UNDER THE JOB CREATION GRANT PROGRAM 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

23. ORDINANCE NO. 2009-283 AUTHORIZING PAYMENT TO BOSTON MILLS/BRANDYWINE SKI RESORT FOR THE 2009/2010 RECREATION DEPARTMENT SKI CLUB, 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 THE AUDIENCE:

Mr. John Nolan, 35200 Bainbridge Road, asked if there is a written addendum to move the start date of the Bainbridge Road Reconstruction Project to April. Councilman Scott said the new start date is April 5th and the County is in the process of submitting the addendum.

Mr. Nolan asked if the completion date has changed and Councilman Scott said a completion date will not be given by the County until after the bids are received. It was clarified that the addendum only addresses the start date.

Mr. Nolan said he has witnessed a vehicle accident on Bainbridge Road and has noticed several close calls. He suggested there be consideration of implementing the construction safety issues before the project begins.

Mr. Stanek said there may be merit to employing a 20 mph speed limit.

There was discussion as to whether Ordinance No. 2009-149 supporting the recommendation to maintain two-way traffic during the Bainbridge Road project indicates when the temporary 20 mph speed limit on Bainbridge Road can be initiated.

Mr. Stanek believes if the utility relocation constitutes the beginning of the project, a 20 mph speed limit could be implemented now. Mr. Matty said Chief Godzich will need an ordinance that may need to be examined by the courts if necessary. Mr. Stanek will research the issue.

Mr. Nolan referred to his comments from the previous meeting in regard to copyright infringement against city property and harassment of a citizen. He had hoped that after the election, the activity would stop. However, he said the activity continues and may be even worse as it relates to private citizens.

Mr. Matty recommended Mr. Nolan contact the Police Chief for further assistance in regard to the harassment.

Mr. Bill Mooney, 32605 Shadowbrook Drive, commended Mayor Patton and Councilman Suit for their contributions and dedication to the City. He thanked them for their years of service and wished them luck.

Mr. Ryan Mystkowski, 36450 Pepper Drive, offered Mayor Patton best wishes and Vice Mayor Drucker good luck. Mr. Mystkowski commended Councilman Suit for his years of service and his assistance with issues in the Pepperwood Subdivision. He commended Councilman Suit for protecting and expanding the Metroparks when land became available.

COMMENTS FROM COUNCIL AND ADMINISTRATION:

On behalf of the Council and the Mayor, Vice Mayor Drucker presented Councilman Suit with a clock and thanked him for his many years of service and his outstanding efforts and dedication to the City. She said he will be greatly missed. In turn, all of the Council members commended Councilman Suit, expressed their appreciation for his efforts and wished him well in the future.

Mayor Patton also commended Councilman Suit on his twenty-two years of service to the City and read a proclamation which he presented to Councilman Suit. Mayor Patton extended best wishes to Councilman Suit and his wife, Rosemary.

Councilman Suit thanked everyone for their comments. He noted one of the main accomplishments he is most proud of is the opportunity to have been involved in land preservation. He noted 111 acres of land in Ward 4 have been preserved and will remain undeveloped. In reference to Mr. Mystkowski's comments, Councilman Suit noted he recently began the process of preserving the last large tract of land in Ward 4 which also crosses into Ward 5.

Councilman Suit reviewed many of the City's accomplishments and improvements which have occurred during his tenure and his pride in having participated.

Councilman Suit commended the department heads, the City staff and especially the Ward 4 residents for giving him the opportunity to serve. He also commended Law Director Matty and expressed appreciation for his efforts in guiding the City.

Councilman Suit expressed his gratitude to past and present Council members and offered his assistance in the future.

Councilman Suit expressed his pride in being associated with Mr. Larry Davis, Davis Development, Mr. Bob Kruse, former Planning Commission Chairman and Dorothy Portz, former Mayor and Councilwoman.

Councilman Suit commended and thanked Mayor Patton for his service to the City.

Councilman Suit thanked his wife Rosemary for her support.

On behalf of the Council, Vice Mayor Drucker presented a monogrammed decanter to Mayor Patton and thanked him for his years of service to the City and for his guidance and assistance during this transition period. She commended Mayor Patton for his honesty and integrity.

In turn, the Council members commended Mayor Patton and thanked him for his leadership and outstanding service to the City and extended their best wishes to Mayor Patton and his wife, Linda.

Law Director Matty thanked Mayor Patton for the opportunity to serve as the City's Law Director and Councilman Suit for his guidance.

In turn, the department heads expressed their appreciation to Councilman Suit and Mayor Patton and extended best wishes.

Fire Chief Shaw provided an update regarding a fire which occurred in an apartment building early Saturday morning. He commended the cooperation received from the Police Department, particularly Patrolmen Michael Griffiths, James Fiktus, Christopher Patranic, Lieutenant Joe Aylestock and Sergeant Jamie Hoffman, who evacuated 24 units prior to the firefighters arrival.

Chief Shaw thanked Bainbridge Township, Bedford Heights, Chagrin Falls and Orange Village Fire Departments for their assistance.

Chief Shaw also commended Solon firefighters on "C" shift for limiting the spread of the fire and Don Holub and Rich Parker for opening up the community center and transporting residents.

Chief Shaw said Mayor Patton and his wife Linda were also assisting residents at the community center. There were no major injuries and the fire resulted in property damage only.

Mayor Patton commended Firefighter Nix for his assistance with residents displaced by the fire and Lieutenant Aylestock, Chief Shaw and Assistant Chief Shebeck.

Mayor Patton said the holiday lighting ceremony will take place on November 25th at 7:00 P.M.

Councilman Scott and Mayor Patton congratulated the Solon High Football Team on their successful season and wished them luck in the next game.

Mayor Patton congratulated his sister, Carol, who was inducted into the CYO Hall of Fame of Greater Cleveland. She has been a volleyball, softball and basketball coach for more than 35 years. She is the first person from Solon and St. Rita to be placed in the CYO Hall of Fame.

Mayor Patton noted Vice Mayor Drucker needs to provide her letter of resignation and urged anyone with an interest in serving as Ward 1 Council Representative to submit a resume.

Mayor Patton congratulated Vice Mayor/Mayor-Elect Drucker on the impressive election results and offered his assistance. He also congratulated Councilmen Kraus and Pelunis and Councilman-elect Mooney on the election results. He is confident residents will be well represented by highly experienced officials.

Mayor Patton said it has been an honor and a privilege to serve as Solon's eleventh Mayor. He provided some history regarding his service to the City which began in 1971 and acknowledged those with whom he has served.

Mayor Patton commended the Council members and thanked them for their cooperation.

Mayor Patton noted some of the many accomplishments which have taken place in the city through the efforts and cooperation of the City Council, department directors, City employees and many involved citizens. Mayor Patton said much of the City's success would not have been possible without the leadership and cooperation of the department directors. He expressed his thanks and appreciation to all of the department directors.

Mayor Patton commended all of the Commission members and also the Clerk of Council staff.

Mayor Patton expressed appreciation to his assistants, Sally Deitrick and Pam Cook, and to Ed Tancredi.

Mayor Patton thanked his wife, Linda, for her support and the many friends and family members who have assisted and supported him.

Mayor Patton said he is comfortable knowing that the City is in better condition now than when he first took office. Mayor Patton wished everyone a happy Thanksgiving and holiday season.

Vice Mayor Drucker advised an executive session is necessary for consideration of imminent litigation.

Motion by Councilman Stolarsky, seconded by Councilman Scott to adjourn into executive session at 10:10 P.M. for the purpose of considering imminent litigation.

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

The meeting reconvened at 10:25 P.M.

Motion by Councilman Stolarsky, seconded by Councilman Scott to adjourn at 10:25 P.M.

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

Vice Mayor

Clerk of Council