SOLON CITY COUNCIL
October 17, 2011 – 7:05 P.M.

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

Present: Council Members Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo, Mayor Drucker, Law Director Lobe, Clerk McConoughey

Absent: None

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 Services Director Bandiera, City Engineer Busch, Human Resource Director Cornhoff, Construction Project Administrator Driscoll, Planning Director Frankland, Finance Director Kennedy, Fire Chief Shaw, Public Works Commissioner Stanek, Police Chief Viland

Vice Mayor Kraus presided.

Mr. Stanek questioned if the Council wanted to continue with the monthly Storm Water Action Plan reports. It was determined the reports would be provided on a quarterly basis.

PLANNING COMMISSION CONSENT:

3. 6840 Arnold Miller Parkway – L'Oreal salt storage facility: Mayor Drucker said although she agreed to the contingency requiring monitoring of the salt storage facility by the City, after giving it further thought, she does not believe the City administration should be responsible for monitoring private property issues. She reviewed alternate wording for a contingency as recommended by Mr. Bandiera, which included compliance with the City's ordinance regarding Storm Water Management. After further discussion, it was determined compliance with the City's Comprehensive Storm Water Management Ordinance will be adequate.

There were no objections to the items on the Planning Commission Consent Agenda and Vice Mayor Kraus advised the applicants the items would be approved and it was not necessary for them to remain for the meeting.

CONSENT AGENDA:

8. Ordinance No. 2011-199 accepting the bid of Petty Group for sidewalk installation in the Forest Hills Subdivision: Councilman Bell said the co-

presidents for the Homeowners' Association have indicated there may be additional emails in regard to approving the sidewalk installation and if so, the legislation will have to be amended. Vice Mayor Kraus said if necessary, the legislation can be approved as read. Councilman Bell noted a copy of the Articles of Incorporation for the Association was also received and will be reviewed by Mr. Lobe. He explained their rules previously required a 50% vote by the Homeowners to enter into a contract, however, the rules were changed to authorize the President of the Association to enter into a contract. Mr. Lobe will review the Articles of Incorporation to determine if any issues have lapsed.

The caucus ended at 7:15 P.M. and the meeting began at 7:16 P.M.

Also present: City Services Director Bandiera, City Engineer Busch, Human Resource Director Cornhoff, Economic Development Manager Weil-Dorfman, Planning Director Frankland, Finance Director Kennedy, Fire Chief Shaw, Public Works Commissioner Stanek, Police Chief Viland

Motion by Councilman Russo, seconded by Councilwoman Richmond to adjourn into executive session at 7:16 P.M. for the purpose of considering pending litigation.
Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

The meeting reconvened at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

ANNOUNCEMENTS:

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

MINUTES:

Motion by Councilman Pelunis, seconded by Councilwoman Meany to approve the minutes of the September 19, 2011 meeting as presented.
Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

Motion by Councilman Bell, seconded by Councilman Mooney to approve the minutes of the October 3, 2011 meeting as presented.
Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

COMMENTS FROM THE AUDIENCE:

Mr. Greg Crough, 29695 Cannon Road, is concerned regarding the proposed Nestle rezoning from residential to industrial manufacturing on Cannon Road. He understands that Nestle is doing well in Solon to everyone's benefit, however,

Ward 5 residents are now being asked to bear the burden of the expansion. There is much available commercial space in the City which, he believes, Nestle has not seriously considered using. When he asked representatives about utilizing other available commercial property, the response was that other properties are inappropriate for various reasons including that Nestle must build a new custom building rather than leasing. Through research, Mr. Crough discovered that there are vacant properties available in South Solon ranging in size between 90,000 to 100,000 square feet. He believes the cost to mitigate wetlands, which may reach $3 million and take nine months to one year to develop, would cost more than demolishing a warehouse to build a new building on an existing commercially zoned property.

As a Ward 5 resident, he said he is being asked to vote yes to rezone the proposed parcel which is located in a peaceful residential area in a park-like setting, in order to build a new facility. He said Nestle has stated they are expanding and have already doubled the size of the existing facility in the main plant. With this expansion 60 new jobs will be created in addition to the 80 existing jobs that will move to the new facility. He said discussions about traffic indicated that flex time will control traffic. Mr. Crough was told a traffic study has not been done, however, it was assumed that the additional 60 cars will not be an issue. Mr. Crough believes there was a traffic study for Cannon Road at one time because a turning lane was added some time ago to improve traffic issues. He finds that asking residents to support the issue is an injustice to residents of Ward 5 if they are being asked to believe that Nestle will not expand in the future and add more employees to the 140 this proposal will include. He questioned if there is a contingency plan for additional traffic five years from now if Nestle hires additional employees. Mr. Crough added that it will negatively affect traffic situations at Harper and 422 and will seriously impact the neighborhood.

Mr. Crough said Nestle will not finalize the decision on where to build the new facility until after the election. It is possible the facility could be built elsewhere and once the land is rezoned, if they decide not to build the new facility in Solon, Nestle will be able to build whatever they want. Mr. Crough understands that Nestle is seeking to purchase property across the street. He noted if that happens, they will no longer be within 150’ of residentially zoned property as they will be buffered by the parkway. He said it will allow them new limits to maximum height and minimum setback requirements. Mr. Crough said they will be allowed to do whatever they want as long as it is within the zoning code requirements. He believes Nestle should be asked to use available commercially zoned property first. He wants residents to think about the long term consequences to rezoning the property. He finds it an injustice to have the Ward 5 residents bear the brunt and cost that the entire city will benefit from.

STORM WATER ACTION PLAN UPDATE:

Vice Mayor Kraus said during the caucus, it was the Council’s consensus to discontinue monthly updates and begin providing the updates on a quarterly basis.

Mr. Stanek provided the following update:

- Smoke testing began in the Medhurst/Miles Road area. No other smoke testing is scheduled this year.
- Letters were sent to commercial property owners whose property tested positive for smoke testing requesting them to make appointments for dye testing.
- Pictures were displayed from the Briar Hill Project of the dredging process and an explanation was provided which was completed late last week. Subsequently, the lake level was dropped and must now be maintained. Material has been brought in to begin raising the dam up two feet. Although the project is approximately a week behind schedule, Mr. Stanek said the contractor has indicated they will do what is necessary to complete the project on time.
- The Preserve Subdivision, Phase 3 is in the design stage. Mr. Stanek is waiting for a response from the Army Corp of Engineers regarding a revision to the plan. The engineer is confident approval will be given in the next few weeks.
- A meeting was held with the consultant for the Pepperwood Phase 2 project to finalize the preliminary design. The final design is expected to be completed this winter, however, the project may not begin until 2013.

PLANNING COMMISSION CONSENT:

1. Corner of SOM Center Rd. and Portz Parkway 070-2011
   PP#'s 954-34-015, 954-34-012, 954-34-010, 954-34-011 & 954-35-007 – City of Solon (Solon Library)
   - Lot split/consolidation – PC approved

2. 30003 Bainbridge Road – Nestle USA 073-2011
   - 147' side yard setback variance – PC approved
   - Site plan for smoking shelter – PC recommends approval

3. 6840 Arnold Miller Parkway – L'oreal USA 074-2011
   - Site plan review for salt storage facility – PC recommends approval with the following contingency:
     - facility to be erected no earlier than 11/1/11 and removed by 4/15/12

It was the consensus of the Council to remove the contingency stating that the facility will be monitored by City administration to ensure compliance with standards set by Solon Service Director. It was determined that ordinances exist to provide the safety that the Planning Commission was seeking.

4. 6262 Morning Glory Circle – Shereen and Matthew Streem 075-2011
   - 5' side yard setback variance (AC unit) – PC approved

5. 33505 Solon Road – Matthew Puflea 077-2011
   - Revised site plan for building color change – PC recommends approval contingent on use of Sherwin Williams "Bracing Blue – No. SW6242"

Motion by Councilwoman Richmond, seconded by Councilman Mooney to approve the items of the Planning Commission Consent Agenda as amended.
Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

PENDING:

6. From Planning Director Frankland regarding amendments to Section 1261 "Definitions" of the Zoning Code

The Planning Commission recommended approval of the amendments.

A public hearing was scheduled.

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

There were no comments from the public, therefore, the public hearing was closed.

Motion by Councilwoman Richmond, seconded by Councilman Mooney to prepare legislation approving the amendments to Section 1261 "Definitions" of the Zoning Code.
Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

CORRESPONDENCE:

7. Request from Davis Development Group, John Siragusa, Asset Management and Christine Burkholder, Kids Country, to modify the permitted uses in the C-5 Zoning District

This item was referred to the Planning Commission and a public hearing is scheduled for the Commission's October 25th meeting.

CONSENT:

Motion by Councilman Mooney, seconded by Councilman Pelunis 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.

8. ORDINANCE NO. 2011-199 ACCEPTING BASE BID NO. 1 OF PETTY GROUP FOR SIDEWALK INSTALLATION IN THE FOREST HILLS SUBDIVISION, was read for first reading.

Mr. Hillard and Ms. Shaughenessy, Co-Presidents, Forest Hills Homeowners Association, acknowledged that no other correspondence was received.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

9. ORDINANCE NO. 2011-200 APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT WITH CARRON ASPHALT PAVING, INC. FOR THE 2011 ANNUAL ASPHALT REPAIR PROGRAM, was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

10. ORDINANCE NO. 2011-201 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH BARBICAS CONSTRUCTION COMPANY, INC. FOR THE 2010 ANNUAL ASPHALT REPAIR PROGRAM (CONTRACT NO. 2010.08), was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

11. ORDINANCE NO. 2011-202 ACCEPTING THE FINAL CONTRACT ADJUSTMENT WITH ATC ASSOCIATES, INC. FOR THE 2010 ANNUAL MATERIALS TESTING PROGRAM (CONTRACT NO. 2010.10), was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

12. RESOLUTION NO. 2011-203 ACCEPTING THE DONATION OF BOCCE COURTS AT GRANTWOOD GOLF COURSE BY THE SOLON ITALIAN CLUB AND DECLARING AN EMERGENCY, was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

13. ORDINANCE NO. 2011-204 AUTHORIZING THE FINANCE DIRECTOR TO SELL OBSOLETE EQUIPMENT OF NO FURTHER MUNICIPAL PURPOSE BY INTERNET AUCTION WITH GOVDEALS, was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

14. ORDINANCE NO. 2011-205 AMENDING THE ANNUAL APPROPRIATIONS FOR SALARIES/WAGES AND OTHER EXPENDITURES OF THE CITY OF SOLON FOR

THE PERIOD JANUARY 1, 2011 TO DECEMBER 31, 2011, was read for first reading.

Roll Call: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried
Final Passage: Aye: Bell, Kraus, Meany, Mooney, Pelunis, Richmond, Russo
Nay: None Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COUNCIL:

Councilman Pelunis commended Chief Shaw and the Fire Department for the fire sprinkler demonstration at the Fire Station Open House.

Councilwoman Meany enjoyed the Fire Station Open House.

Councilwoman Meany announced the Solon Historical Society will have a cemetery stroll on Saturday, October 22nd. Interested residents should meet at the Historical Society at 5:45 P.M. Transportation will be provided to Roselawn Cemetery.

Councilwoman Meany announced Nestle will hold an Open House on Thursday, October 20th from 6:00 P.M. to 8:00 P.M. She encouraged residents to attend.

Councilwoman Richmond said on Saturday, October 29th from 7:00 P.M. to 11:00 P.M., Friends of the Solon Center for the Arts will hold a Devilish Derby, Solon's Haunted Horse Races at the Community Center. Admission is $35 per person for ages 21 and over. (Clerk's note: This event was eventually canceled.)

Councilman Bell thanked the co-presidents of the Forest Hills Subdivision, Mr. Hillard and Ms. Shaughnessy for gathering the consensus necessary for installation of sidewalks in the Forest Hills subdivision.

Councilman Bell thanked the Solon Italian Club for their bocce courts donation.

Councilman Bell congratulated the Solon High School Football Team for their victory last week.

Councilman Russo congratulated Ms. Prasser and the performers of Madama Butterfly. He enjoyed the performance and said it is his understanding that opera will return to Solon next year.Councilman Russo also attended the Swirl Wine Bar reception before the opera and looks forward to their grand opening.

Councilman Russo said he will not be in attendance at the next Council meeting and encouraged residents to vote on Election Day.

Vice Mayor Kraus encouraged residents to become educated about the issues on the ballot and encouraged everyone to vote.

Vice Mayor Kraus hopes to attend the Nestle open house.

Vice Mayor Kraus received positive comments regarding the progress of the Briar Hill project. He said the project will greatly improve the City's storm water management.

Vice Mayor Kraus said Bainbridge Road is progressing and thanked the residents for their support. He noted issues on Liberty Road are being addressed.

Vice Mayor Kraus asked Chief Viland to speak regarding Halloween.

COMMENTS FROM THE ADMINISTRATION:

Mayor Drucker announced on Sunday, October 30th, the Solon Kiwanis Club will host their pancake breakfast at the Community Center between 8:00 A.M. and 12:30 P.M.

Mayor Drucker said Halloween Trick-or-Treating will take place on Monday, October 31st from 6:00 P.M. to 8:00 P.M.

Chief Viland reiterated that Halloween Trick-or-Treating will take place on Monday, October 31st from 6:00 P.M. to 8:00 P.M. The Police Department will have additional officers on duty. Costumes should be visible in the twilight hours and adults should accompany children crossing busy streets.

Chief Shaw thanked the Council and Administration for their comments regarding the Fire Station Open House. He found it to be a success and said the fire sprinkler demonstration should be on the website very soon.

Chief Shaw explained that the outdoor warning sirens heard last night were the result of an error by the Oakwood dispatch center. Chief Shaw said there was no issue and the Solon system is working fine. Solon has offered assistance to help Oakwood resolve their issues with the sirens.

Chief Shaw said fire hydrant flushing is occurring throughout the City. Locations are posted on the Fire Department website two or three days in advance. He advised residents to run their water until it is clear.

Mr. Kennedy thanked the Finance Department employees for their assistance.

Mr. Cornhoff said he and the Mayor attended a tree planting service for a former Service Department employee who passed away. He commended Mr. Bandiera and his staff for coordinating the service.

Mr. Bandiera said the fall leaf collection program has begun. He asked that residents place leaves at the tree lawn as quickly as possible.

Motion by Councilwoman Richmond, seconded by Councilman Bell to adjourn the meeting at 8:11 P.M.

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Vice Mayor

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Clerk of Council