

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE CITY OF NORTH OLMSTED
FEBRUARY 17, 2009**

Present: President of Council Kennedy, Council Members Barker, Gareau, Dailey Jones, Kearney, Mahoney, Orlowski

Also Present: Mayor O'Grady, Law Director Dubelko, Finance Director Copfer, Clerk of Council Seman

President Kennedy called the meeting to order at 8:01 p.m. in Council Chambers, 5200 Dover Center Road, North Olmsted, Ohio.

Members of the audience were invited to join Council in the recitation of the Pledge of Allegiance.

The minutes of the Council meeting of February 3, 2009 were approved as written.

Councilman Mahoney made a motion to add Resolution Nos. 2009-24 and 2009-25 to the agenda for the reasons specified in caucus. The motion was seconded by Councilman Barker and passed unanimously. The agenda was amended.

President Kennedy announced the following legislation would be considered for passage under suspension of the rules: second reading, Ordinance No. 2009-5, Resolution Nos. 2009-13 and 2009-14; first reading, Ordinance No. 2009-22, and Resolution Nos. 2009-23, 2009-24, and 2009-25.

President Kennedy announced two special Council meetings: 1) At 6:30 p.m. on Wednesday, February 18, to be held in the caucus room for second reading of Ordinance Nos. 2009-17, 2009-18, 2009-19, 2009-20, and 2009-21; 2) At 6:30 p.m. on Thursday, February 19, for the third reading and vote on Ordinance Nos. 2009-17 through 2009-21.

President Kennedy recognized North Olmsted library branch manager Dianne Discenzo who will soon take over the manager's position at the Parma Snow branch. We appreciate her excellent service to our library and community. Mrs. Discenzo was recognized by all present.

President Kennedy recognized Council Member Nicole Dailey Jones who was recently elected to serve on the board of the Northeast Ohio City Council Association. The Council is proud of her and knows she will represent them well. Although memberships have been eliminated from the budget, the dues for NOCCA will personally be paid by Council Members.

REPORTS

Mayor O'Grady: 1) Thank you and congratulations to Dianne Discenzo. It has been a great honor to know Dianne and work with her. She has been spectacular as the branch manager for the North Olmsted library. Our loss is Parma's gain. Congratulations to Councilwoman Jones on her election to the NOCCA board. He has served on that board, and it is very worthy.

2) The Main Street economic recovery stimulus effort begun by the United States Conference of Mayors is now the law in our country as the American Recovery and Reinvestment Act. Today President Obama signed into law a \$787 billion stimulus package which will be administered through Gov. Strickland's office. The package includes funding in the areas of concern to all of us, including Community Development Block Grant, energy block grants, housing, transportation, education, workforce development, and COPS and Fire. A recent meeting was held at the Laborers 310 Hall attended by Congressman Kucinich and other representative and the chiefs of staff of both Senators. He commented on the COPS program and Fire program as the grants provided are to hire new officers and fire fighters. He expressed the need to be able to rehire highly qualified officers who have been laid off before hiring new officers. The Congressional delegation paid attention to that, and he expects there will be discussion on that point in the coming days in Washington. Our request for \$75 million in assistance is on the record with both the United States Conference of Mayors and the Northeast Ohio Areawide Coordinating Agency. Our specific proposals are now being evaluated by Gov. Strickland's office. We remain optimistic that we will find funding either through the state or other federal agencies that are considering this, to include the EPA.

3) This Friday, he will join County Treasurer Jim Rokakis and County Commissioners for a signing ceremony at Cleveland State University's Levine College of Urban Affairs. At that time, Gov. Ted Strickland will sign SB 353, the Cuyahoga County Land Bank Bill. This important legislation will provide yet another tool for our county to combat the problems caused by foreclosures. He salutes Treasurer Rokakis for his outstanding leadership and work in this field and assures our residents that we too in North Olmsted will incorporate this important tool into our tool kit as we continue to deal with this issue.

4) North Olmsted Senior Center is taking appointments for all citizens age 55 and older for income tax assistance.

5) City will be hosting planners from the northeast Ohio area at the Ohio Planning Web Conference this Wednesday afternoon in Council Chambers. The topic for this presentation is Informed Decisions.

6) EPA's public hearing on Suburban Auto will occur on March 3 at 6:30 p.m. at the North Olmsted branch of the Cuyahoga County Public Library.

7) Repairs to the training tower at Fire Station 2 are now complete. The issue had been a lack of heat in the tower, which has been resolved by adding duct work.

8) Police Dept. continues to monitor school crossings throughout the city, and no incidents have been reported. Uniform signs have been added at school zones throughout the city to advise motorists as they approach those zones.

9) A meeting was held with the North Olmsted school superintendent regarding the DARE program. Certain information that was out there was inaccurate, and that was corrected. All parties agreed that the program would terminate at the end of the school year. This is a decision of the North Olmsted City Schools and not the North Olmsted

administration. North Olmsted teachers will continue with the anti-drug and alcohol awareness lessons that are already incorporated into the curriculum.

10) The Lewis Road bridge project continues as all steel is now in place and forms for the concrete bridge deck are nearly complete. We expect this project to be completed by early summer, and it is well ahead of schedule.

11) The County is moving forward with the second phase of the Stearns Road project—the Stearns/Cook project—with new sewers and pavement, and are also progressing with the MacKenzie sewer projects. Traffic between Dorchester and I-480 will remain two-way through the spring as a convenience to our residents.

12) Congratulations and thanks to Finance Director Copfer and all in the administration who have worked diligently to bring forward a balanced budget to City Council. With the passage today of Ordinance 2009-5, we have made history. Never before has a budget been brought to Council in December. The timing of this budget was not an accident or even a reaction to the unfortunate economic crisis. Rather, the timing of this budget is the result of a multi-year effort by this administration to continue to improve the budget process and to accelerate the process. In coming years, our ultimate goal will be to continue this work as we move to introduce and pass the budget during the preceding year for the following year's budget.

Law Director Dubelko: 1) Assistant Law Director Carole Heyward is now serving solely as fair housing administrator, and she is in the process of working with one of the city's law clerks to update the fair housing page on the city's website.

2) On February 10, Assistant Law Director Bryan O'Malley argued the fire fighters arbitration award appeal in the Eighth District Court of Appeals. We consider this to be a very important case for the city involving a very important issue as to the extent of an arbitrator's authority in issuing awards in labor grievances.

3) To comment briefly on the resignation of Councilman Dan Ryan from City Council, he feels somewhat like the last of the pterodactyls. When he started with the city in 1981, the Law Dept. was composed of Mike Gareau, Sr., himself, Don Albenze as Prosecutor, and Dan Ryan was the Assistant Prosecutor. Time flies.

4) At the request of President Kennedy, he issued Legal Opinion 2009-1 regarding the propriety of audio taping at public meetings.

Finance Director Copfer: 1) The auditors were here recently doing field work. RITA was here last week for the subpoena program. They had a great response, which in turn helps us because they are collecting our income tax that otherwise we may not have received.

2) Budget hearings went very smoothly and good presentations were made by the administration and good discussion was had by all in attendance. The ordinance before Council this evening is the culmination of those hearings, and she believes Council has received the answers to all budget-related questions from various people throughout the last two weeks. This budget is tighter than she has seen in prior years. The General Fund budget is approximately \$1.7 million less than 2008 actual expenditures, which equates to 7.87% less as appropriated for 2009 than what was spent in 2008. Some of this decline is expenditures for 2009 that were picked up by other funds, such as Hotel/Motel and STOP and the Street Maintenance Fund. We are going to have to monitor this budget closely,

and there may be a greater need for adjustments to cover the unexpected items that pop up along the way as there is no flexibility in this budget. More line item transfers may have to be brought forward as we work through this.

3) Ordinance 2009-17 is the hiring of Squire, Sanders & Dempsey as bond counsel. Ordinances 2009-18, 2009-19, 2009-20 and 2009-21 are the street notes and computer notes. The first are the 2007 and 2008 rollover notes, and 2009-20 are the street notes for the \$1,010,000 for Dover Center Road and the asphalt overlays and reclamation that were talked about in the budget hearings and the street meeting. Ordinance 2009-21 is for the computer equipment for the e-mail and archiving server system and the replacement for the MUNIS server.

4) Looking at revenues through February, \$12,000 in estate taxes are in the pipeline already for the second half of 2009. On the negative side, income tax collection through February, which represents two periods, is down by \$201,000 from last year. Withholding and net profits are substantially down. She has asked RITA to look at two taxpayers as to why and more investigation is being done. RITA is also tracking the 25 to 30 companies that were looked at to develop the estimate for 2009. They will be compared monthly as they represented 40% of our income tax. We will then have a better idea of where the problems lie before we get to the end of the year and find out we're in trouble. We're going to watch this very closely.

Councilman Gareau said he wished Mr. Ryan well in his endeavor as he leaves this Council. Mr. Ryan has been here a number of years and has been involved in city government for far longer than his time on City Council. He wishes Mr. Ryan well.

Councilman Gareau, chairperson of the Finance Committee: 1) The Finance Committee met three times to discuss the appropriation Ordinance 2009-5, an ordinance to make appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2009, which will be amended this evening. The total time spent as a committee with most members of Council present was 9 hours and 45 minutes.

- At the first meeting, Mayor O'Grady gave an overview of the city and where we currently stand. He emphasized that government is smaller than when he took over in 2005. He believes that he has right-sized through attrition, reshaping the city government to provide improved services at a reduced cost to taxpayers. He emphasized that current projections do not indicate a recovery during 2009. He believes that, barring concessions from bargaining units, it is unlikely that we will be able to bring any laid off workers back. The Mayor advised that given Council's lack of support for a temporary income tax credit reduction, he instructed his directors to cut all spending that is not absolutely essential. He further advised that he has reduced the budget beyond last year's actual expenditures wherever possible. He indicated that further efforts to reorganize government and to reduce cost will continue. Manning, salaries, benefits, longevity, and overtime will be discussed in the future. The budget includes 0% salary increases for 2009 for all non-bargaining unit employees with the exception of elected officials whose pay was established several years ago and the

compensation can't be reduced during the terms. The Mayor believes that benefits in general are too generous and needed to be reduced. The Mayor indicated that the worker's compensation self insurance program, which we enrolled in last year, should achieve a substantial savings in 2010; but we have to clean up some residual financial matters with the workers' compensation program in 2009. Based upon our IT assessment, technology replacement will occur only in those areas where absolutely required. In years past, we had a computer rotation program. We have stopped that, and it will only take place if absolutely necessary. The same approach was used for Fleet. Vehicles and equipment in the Service Dept. will only be replaced if absolutely necessary. There are no new purchases of Police cruisers this year, whereas in years past we would have a continuing rollover of stock in order to keep the oldest cars going out and new cars coming in. The Mayor thanked Council for its time.

- Finance Director Copfer gave an overview of estimated resources. First, she went over where we were in December versus where we were in January. In December, after layoffs, we were looking at a \$483,000 shortfall. The budget presented to Council, because the \$483,000 was contemplated being made up through the tax credit reduction and that didn't pass, the Finance Director indicated the unencumbered balance, the carryover, was off by \$287,000. The total carryover was \$1,487,000. The estimated resources were decreased by \$213,000.; \$103,000 cut from local government fund; \$100,000 reduced interest income; \$10,000 reduction in building permits and fees. Finally, benefits, contractual services, and materials and supplies were reduced by \$449,260. There were some additional minor changes that took place in several different line items, but the end result is that it made up the \$483,000 in the budget. The Finance Director explained the developing trend in income tax. We will see a 5.8% reduction in 2009 (\$500,000). Income tax collections were \$13,039,380 in 2007. They will drop, as projected in 2009, to \$12,046,847. This is a loss of \$992,533 in revenue. We also will see a \$138,000.00 reduction in property tax. Declines will also occur in fines and forfeitures; licenses, permits and fees; intergovernmental income and investment income. Income tax and property tax accounts for 72% of the General Fund income. If you add intergovernmental funds, that number jumps to 88%. The total percentage drop in revenue for the General Fund was 9.7%. The total General Fund was \$20,801,242.04 in 2008. It's now \$18,525,151.23. That is a decline of \$2,276,091. To balance the budget, that means that the carryover (\$1,487,000) was depleted, plus another \$789,091 had to be realized in net cost savings. The Finance Dept. saw a 9.35% decrease over 2008. One part time bookkeeper was eliminated and various memberships were not renewed.
- Safety Director Thomas presented for the Police, Fire, Building, and Youth Services Divisions.
POLICE
 1. Division of Police is the largest;

2. Chief and 6 members of the clerical staff, one of whom is non-bargaining and the other five are members of the AFSCME Clerical-Technical union;
3. The Patrol section of the budget includes 2 captains, 4 lieutenants, 6 sergeants, and 36 patrol officers, under which K-9, the School Resource Officer, DARE, the Detective Bureau, and the Bike Patrol are included.
4. In addition to salaries, other wages include shooting pay, evidence technician pay, training officer pay, and Detective Bureau pay.
5. Clothing allowances of \$1,350 per officer are included under benefits.
6. There are 27 vehicles in the NOPD fleet, including one car for the Chief, 1 evidence technician van, 2 undercover cars, 2 cars assigned to the Detective Bureau, 2 cars assigned for K-9 duty, 2 cars assigned to community policing, 13 patrol cars, and 2 cars assigned for special duty.
7. Gas and oil expense is significantly reduced as it was shifted to the Hotel/Motel line item, which is a separate fund which was able to give some relief to the General Fund by lessening that expense and shipping it to another specialized fund.
8. There are 20 auxiliary police officers assisting the department.
9. There are 8 full-time and 4 part-time dispatchers who cover the telephones 24 hours a day, seven days a week.
10. There is one corrections officer who is assigned to jail duty.
11. In the past year, the Police Department lost five police officers and 12 school crossing guards due to the lay-off, two patrol officers and one police sergeant via retirement, and the resignation of one corrections officer.
12. Attendance bonus was eliminated for non-bargaining; office supplies and computer supplies were reduced; gas and oil was moved to STOP; community policing reduced shift differential; severance; reduced overtime; and in dispatch uniform was reduced. No computer equipment or vehicles will be purchased this year.
13. Schooling has been eliminated as has been travel and dues.

FIRE

1. Fire Administration includes one Chief and one secretary. The fire administration also includes costs associated with EMS billing fees, dues to the Council of Governments for HAZMAT participation, and back flow testing on the water meter.
2. Fire Prevention has expenses related to one captain assigned to the bureau.
3. Regarding emergency services, there are expenses relating to 3 captains, 6 lieutenants and 30 firefighters.
4. Contractual services include utility payments for the two stations and building and equipment repair.
5. There has been the almost total elimination of seminar and schooling dollars from both the Police and Fire budgets. Most of the budget relates to those salary and wage items that have been discussed throughout December and January for the administration and provision of services from the fire fighters.

BUILDING

1. In 2007, the City experienced investment in commercial and residential structures of over \$30 million in building permit activity.

2. In 2008, the Building Department issued 286 commercial permits for a combined total of \$9.8 million in construction value. On the residential side, North Olmsted issued 917 permits for a combined investment value of \$5.3 million. This is a very significant decrease which is consistent with what you would see with the economy. There's not a lot of building activity taking place on the residential or commercial side.

3. In one year, construction investment declined by 50%. Jan. 2009 is down 50% over 2008. The Safety Director reported that you would expect to see the significant amount of permits being issued such as maintenance, roofs, furnaces, hot water tanks. There is very little new construction taking place.

4. There were layoffs from last year.

5. Attendance bonus for non-bargaining was eliminated; property maintenance was eliminated as a separate initiative and those duties have been disbursed among other Building Dept. staff. Dues, seminars, licenses, travel and school were reduced where possible.

YOUTH SERVICES

The Division of Youth Services continues to receive funding from Cuyahoga County Juvenile Court. There is a fee charged to those who participate in the program. It's a diversion program for troubled teenagers who, in the old days, would find themselves before the Juvenile Court. This has been found to be a very successful program funded through grant money and through participation fees by those students who are involved. North Olmsted has been fortunate to be the recipient of a number of dollars over the years as there is a waiting list of communities desiring to get money. Our program has been a model for how the program should be run. We've done a good job with that, and it has shown itself through additional receipt of grant money. Seminars, travel, dues, memberships and attendance bonus have been eliminated.

The total Safety reduction was 8.22% over 2008.

- The Law Department:
Zero percent pay increase for all non-bargaining unit employees. The Law Department eliminated one of the two assignments/ responsibilities (property maintenance enforcement) for Assistant Law Director Carole Hayward. The funding mechanism for her second assignment remains in place, and she is still employed with the city in the second capacity. The department budget dropped by 5.44% over 2008.
- The Human Resources Department:
Administration has 3 employees: Director, Employment Specialist and a Secretary who provides services to the Civil Service Commission as well. Materials and supplies were reduced by 30%; there was an elimination in labor relations, reemployment advertising, travel, education and seminars. Legal fees associated with reduced worker's comp were reduced. The budget dropped 6.18% over 2008.

Information Technology had a budget reduction of 18%. All travel, education and seminars were reduced. Outside services were reduced by 44%. This includes a 49% reduction in network consultant and part time help. The budget does include considerable expense for licenses and software. If computers aren't maintained, computers begin to go down and problems occur. Cuts are made where appropriate and recommendations are made with respect to additional purchases. There is one purchase that is being recommended, what is known as an event logging software program for security purposes. It tracks who is on the computer system, when they're on the system, and essentially what they are doing on the system and when they log off. We don't have that capability to the extent that we need to now. The additional program would allow us to be more secure in our very important features of our software and programs on the network.

- The Planning Department:
Planning consists of a Director and a shared secretary with the Mayor. All travel, education, seminars, dues and reference materials have been eliminated. Supplies have been reduced. It should be noted that although the Planning Department budget appears to have ballooned, in reality it has not. The job creation grants that require us to "refund" income tax are now included in Planning as an expense. In reality, the money came in and is part of a grant program. It goes right back out, but we've got to put it somewhere going out.
- The Community Life Services Department:
This department has a secretary and a director. There was a 90% reduction in computer and other supplies and a 100% reduction in seminars, travel and rent. The Senior Center has an administrator, an outreach worker and an activities coordinator. There has been a 38% reduction in gas, oil and office supplies, a small reduction in maintenance supplies and a 17% reduction in outside services.

Recreation: Salaries have increased at the Recreation Center due to the increase in minimum wage and the number of part-time staff. All non-bargaining unit staff received a 0% pay increase. Materials and supplies are down 6.6%; enrichment programs are down 10%; the maintenance supervisor position was eliminated, realizing a savings in benefits and salary; outside janitorial service were eliminated; utility costs are continuing to increase. In the pool, the aquatics supervisor was eliminated, thus realizing a significant savings in both benefits and compensation. The total budget is down 3% over 2008. However, the Recreation Commissioner pointed out that 2008 was the first time in recent history that all cost centers made budget and all expenditures came in under budget. We did have some loss of personnel that were valued, but their duties are being allocated to other staff to try to take care of that.

- The Service Department:
In 2005, there were 43 full time people; in 2009, there are 30. Additional seasonal help is expected this year in order to get additional services provided. Additional savings were realized, apart from the reduction in staff over the past

few years, through the modification of the chipping and brush program—reallocation of resources from a continual all-year-round chipping program to be reduced to a twice-a-year program in spring and fall, and then as needed in the event of a significant storm event. No capital purchases in 2009. Service Department takes pride in stretching out the life of vehicles and equipment. In 2007, \$1,342,000 was spent for trash pick-up. In 2009, that amount is \$1,914,000. When we talk about a decline of a million dollars in the past two years in the receipt taxation we received through income taxes, during that same two year span, the increase in trash alone was \$600,000. Those are two very narrow issues. That trend has developed in costs in every other department from the purchase of road salt to materials and supplies for cold patch and hot patch for the streets. All of these things have increased in costs as the same time we've seen a decrease in our resources through taxation.

- **City Council**

There is a clerk, seven Council Members and a Council President. The budget has no travel, dues, or memberships except for approximately \$590 for the MetroScan program which allows the clerk to find people for purposes of notification. The raises for elected officials cannot be reduced or raised in term. The budget increased 2.52% because most of the budget is wages. As President Kennedy mentioned, the membership to the NOCCA is being paid for by the City Council members individually.

- **Mayor's Office:**

There is no travel in the budget. However, a discussion took place concerning memberships. There was a request by the administration to keep NOACA, the U. S. Conference of Mayors, Ohio Municipal League, and the Cuyahoga County Mayors & Managers. The Mayor cut the National League of Cities; Mayors Association of Ohio; Mayors Secretaries & Assistant Association, which may be paid for by the Mayor's administrative assistant; Northeast Ohio Mayors & City Managers. A discussion took place about the worth and value of the memberships and travel. After some discussion, rather than have Council pick and choose what to belong to or what not to belong to, Council agreed to provide \$8,500 for the purpose of enrolling in member organizations of the Mayor's choice. There was little discussion with respect to the Northeast Ohio Area Coordinating Agency (NOACA). That entity has provided millions of dollars to the city over the years for infrastructure improvements and is currently providing funds for Dover Center Road. Of the \$8,500 allocated, \$4,200 will go to NOACA. The Mayor's budget was down 16.56 % over 2008.

Changes to Ordinance 2009-5 include: In Council, the \$410 dues to NOCCA will now be paid for by Council Members personally. There was a reduction in the office of Mayor down to \$8,500 for purposes of memberships, that caused a reduction from that line item of \$3,299. There was a reduction in Information Systems administration of \$3,500 for software. There was a reduction in the division of Fire in severance, longevity, shift differential, wages, overtime, and other wages by the amount of \$38,284; but there was

\$15,956 to be appropriated for purposes of pension. There was additional money that had to be appropriated within the division of Police, \$22,328, for unemployment and Medicare. Within the division of Building, there was computer equipment line item that had to be funded of \$840. Within the division of Engineering, there was a reduction of computer and office supplies of \$4,000. The total change within the General Fund was \$10,369. As amended, the General Fund budget will be \$20,002,363. Within the division of Police under the STOP program, \$11,000 for computer maintenance fees, with a reduction of computer equipment reclassified above as indicated of \$21,000. Total change within the division of Police STOP was \$10,000. Within state highway, there was a discussion that took place with Service Director Limpert about crack sealing and the condition of streets and whether or not we should be reallocating additional money if it's available for purposes of crack sealing and sealing up the streets to try to get more life out of them. This has been discussed for the past few years, and it's made a difference as Council has appropriated additional dollars. Council inquired if it was appropriate to allocate additional funds for the purpose of crack sealing, and that was done. An additional \$53,280 from the street maintenance fund for purposes of crack sealing is being added, for a total of \$80,000 to be allocated for crack sealing. There was a reallocation in solid waste and recycling income tax collection fees of \$45,200. Within the permanent improvement fund, we had changes of income tax collection fees of \$158,088, capital outlay of \$1,147,112 and \$15,000 in debt issue fees. Within the endowment and grant, the Mayor's Ball donations under materials and supplies and contractual services were reduced by \$700 and also by \$13,256. The Community Development Block Grant Fund additional engineering of \$2,083 for Kennedy Ridge Road and resurfacing. There was a library construction additional order that needed to be paid, which was \$3,068 for engineering services. Under State Issue I, a capital outlay for Dover Center Road had to be added back, \$68,117 and also \$741,431 had to be added back in. Councilman Gareau made a motion to amend Ordinance 2009-5 consistent with amendments as noted above. (Councilman Gareau requested the worksheet showing the changes from the original ordinance be attached to the minutes.) The motion was seconded by Councilman Barker and passed unanimously. Ordinance No. 2009-5 amended.

Councilman Barker, chairperson of the Building, Zoning & Development Committee: 1) The committee met on February 10 to discuss Ordinance 2008-131. The legislation is being held in committee.

Council Member Dailey Jones, chairperson of the Streets & Transportation Committee: 1) The committee met at 7 p.m. on Tuesday, February 10. Present were committee members Jones, Mahoney and Kearney; Council Members Barker, Gareau and Orlowski; Mayor, Finance Director Copfer, Service Director Limpert, City Engineer Collins and Assistant City Engineer Wangler and guests. Committee met to discuss the 2008 street survey and the 2009 recommended street rehabilitation projects. The streets to be rehabilitated during the 2009 construction season are Oakdale; Twin Circle, north/south and east/west; West 232; Benwood; Delmere, east and west; West 230; Woodmere, east; LeBern, west; and Southern. In addition, the borrowed funds being secured for the streets projects this year will include \$549,548 for Dover Center Road, which is the city's

share of the \$1.6 million project. The projection on the Dover Center Road project is that it will be completed by August in time for school to begin. In addition, Lewis Road will also be completed this year although the funds will be paid through money borrowed last year since it was scheduled to be completed last year. Due to staging issues with the county's Lewis Road bridge project, we were unable to begin construction until this season. This past fall, every street was rated in the city under the street rating program. There are some private streets that have not yet been rated, but the engineering staff intends to rate those as well and notify the homeowner associations responsible for those streets as to their condition. Good news about street rehabilitation program this year is that, once the streets on this year's list are complete, there will be no streets rated 4 and below in our city, which is a great accomplishment. A rating of 10 means the street is new. Following this program ensures that the worst streets are taken care of first. Other streets that are not in great condition in different areas of the city were mentioned, particularly in Wards IV and III. Mrs. Jones suggested that, when Council goes on its spring street tour this year, perhaps the engineers can join Council and show them exactly the measurements they are using to determine the overall rating of the street. This will give the Council members a better hands-on experience, especially when they need to answer constituent requests as far as why one street was rated at a lower number than another street. Council brought up concerns about keeping up with crack sealing and also changing the way the city fills in potholes. Suggestions were made to look at the city of Westlake for comparison and how their patches are then crack sealed and last for a longer period of time. The Service Director said he would look into this issue. The Finance Director recommended to Council to go out for borrowing funds as soon as possible as the rates are good right now. The consensus of Council was that, if going out for borrowing immediately would save the city money, they we would be in favor of that approach. The meeting ended at 7:46 p.m.

2) Attended the Northeast Ohio City Council Association meeting on Thursday, February 5. The issue at hand was "Your Air, Your Health, and Your Budget." She and Mr. Orłowski are working on a proposal to bring forward to the entire Council on this issue.

3) Best wishes to Dianne Discenzo. She will be missed here in North Olmsted. We certainly appreciate the leadership she has shown at the library.

Councilman Kearney, chairperson of the Public Safety, Health & Welfare Committee: 1) Safety Committee met Tuesday, February 10, at 8:30 p.m. Present were committee members Kearney, Orłowski, and Mahoney; Council Members Gareau, Barker, and Jones; Mayor, Safety Director, Service Director, Finance Director, guests. Agenda items:

- Liquor license transfer at 25984 Lorain Road, Olive Garden Italian Restaurant, transfer from GMRI Inc. to N and D Inc. In committee, chairman Kearney made a motion to not object; seconded by Mr. Orłowski. The committee voted 3-0 in favor of non objection. Councilman Kearney moved that Council not object to the liquor license transfer from GMRI Inc. to N and D Inc. at the Olive Garden, located at 25984 Lorain Road. The motion was seconded by Councilman Orłowski and passed unanimously.
- Liquor license transfer at 25615 Lorain Road, DBA Red Lobster. Permit to be transferred from GMRI Inc. to N and D Inc. In committee, Mr. Mahoney made a motion to not object; second by Mr. Orłowski; the vote was 3-0 to not object.

Councilman Kearney moved that Council not object to the liquor license transfer from GMRI Inc. to N and D Inc. for the Red Lobster at 25615 Lorain Road. The motion was seconded by Councilman Orłowski and passed unanimously.

- Resolution 2009-13, sponsored by the Mayor, a resolution authorizing the Mayor to enter into a one-year renewal contract with TAC Computer Inc. in order to provide for maintenance and repair services to various computer hardware and software at the Police Dept. and for membership in the Ohio Law Enforcement Network and declaring an emergency. The city's current contract with TAC Computer Inc. provides the maintenance and repair services for certain hardware and software at the Police Dept. and the annual membership in the Ohio Law Enforcement Network which expired on December 31, 2008. Resolution 2009-14, sponsored by the Mayor, a resolution authorizing the Mayor to enter into a one-year renewal contract with TAC Computer Inc. in order to provide for maintenance and repair services to computer hardware and software in the North Olmsted Fire Dept. and declaring an emergency. These two resolutions are similar in nature and are simple renewals of contracts that both departments need. The contracts are under \$25,000, so bids are not needed. The TAC Computer Company is basically the only company around that can supply the software and maintenance required. The committee voted unanimously to recommend passage of both resolutions.

AUDIENCE PARTICIPATION

1) Dave Boatman, 2093 Brown Road, Lakewood, president of the fire fighters' union, spoke at the last Council meeting about the union's no confidence in the Fire Chief. During comments, it was mentioned the Safety Director had made a statement that she would fire the Chief if she could. The Mayor essentially denied any such statements. At the time, he said the audio of that statement would be provided, and tonight he did provide a copy to the Mayor and the President of Council. He and the fire fighters are not here tonight to attack the Mayor or the Safety Director, rather they just want to set the record straight that the statements that were made are accurate and that they feel the same way basically as the Safety Director. The Mayor is relying on the Fire Chief as his fire expert and to provide the leadership to the city, and the Chief is saying we can go on with less fire fighters and provide the same services with no ill effects. If Council wishes, the audio can be played. Otherwise, they just want to go on the record again of saying they have no confidence in the Fire Chief to lead the Fire Dept. and to protect the citizens of North Olmsted. They believe the Safety Director feels the same way.

Mayor O'Grady offered he thought it was unfair to characterize the position of the Safety Director. Having said that and put that aside, he thanked Mr. Boatman for the disk he provided. He will listen to it tomorrow and then will speak to Mr. Boatman about it.

President Kennedy said he would do the same.

LEGISLATION

Resolution No. 2009-4 introduced by Mayor O'Grady was given its third reading. A resolution creating a new Citizens' Committee for the purpose of gathering and presenting to City Council projects for consideration for the city's Community Development Block Grant (CDBG) applications for fiscal years 2010 through 2012. Councilman Barker moved for adoption. The motion was seconded by Council Member Dailey Jones and passed unanimously. Resolution No. 2009-4 adopted.

At this point, Mayor O'Grady interrupted to say that there were some residents in the audience who had wished to address Council and didn't realize their window for doing so had closed. He asked if the President of Council would consider allowing them to be heard. President Kennedy agreed to give them the opportunity to speak under Miscellaneous Business.

Resolution No. 2009-7 introduced by Councilman Mahoney on behalf of himself and Mayor O'Grady was given its third reading. A resolution accepting a donation of field reconditions from the North Olmsted Hot Stove League in order to construct a dugout for Clague Road #1, provide for a maintenance contract for Diamonds #1 and #5 at North Olmsted Park and Diamonds #1 and #2 at Clague Road Park with an optional service for the construction and restoration of the infield and right outfield for the city park at Chestnut Intermediate School and declaring an emergency. Councilman Mahoney moved for adoption. The motion was seconded by Council Member Jones and passed unanimously. Resolution No. 2009-7 adopted.

Ordinance No. 2009-5 introduced by Mayor O'Grady was given its second reading. An ordinance to make appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2009, as amended. Councilman Gareau moved for suspension of the rule requiring three readings noting it had been reviewed in committee. The purpose of suspension being to get the legislation in place so we will no longer be operating under a temporary appropriation ordinance. The motion was seconded by Councilman Barker and passed unanimously. Councilman Gareau moved for adoption, and the motion was seconded by Councilman Barker. Roll call: Gareau, yes; Barker, yes with comment that he personally wanted to thank all of the directors and department heads for their diligent work with this budget. It was done more than once, and he appreciates the hard work. He also thanked his colleagues for their attendance, and especially chairman Gareau for his guidance and efficient manner of running the meetings. Roll call continued: Mahoney, yes; Jones, yes; Orłowski, yes; Kearney, yes. The motion passed unanimously. Ordinance No. 2009-5 adopted.

Resolution No. 2009-13 introduced by Mayor O'Grady was given its second reading. A resolution authorizing the Mayor to enter into one-year renewal contracts with TAC Computer Inc. in order to provide for maintenance and repair services to various computer hardware and software at the Police Department, and for membership in the Ohio Law Enforcement Network and declaring an emergency. Councilman Kearney moved for suspension of the rule requiring three readings as the legislation had been discussed in committee. The motion was seconded by Councilman Mahoney and passed

unanimously. Councilman Kearney moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Resolution No. 2009-13 adopted.

Resolution No. 2009-14 introduced by Mayor O'Grady was given its second reading. A resolution authorizing the Mayor to enter into a one-year renewal contract with TAC Computer Inc. in order to provide maintenance and repair services to computer hardware and software in the North Olmsted Fire Department and declaring an emergency. Councilman Kearney moved for suspension of the rule requiring three readings noting the legislation had been heard in committee. The motion was seconded by Councilman Mahoney and passed unanimously. Councilman Kearney moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Resolution No. 2009-14 adopted.

Ordinance No. 2009-17 was introduced and placed on first reading by Mayor O'Grady. An ordinance dispensing with an RFQ process and authorizing the Mayor to retain and enter into a contract with Squire, Sanders & Dempsey L. L. P. to provide certain legal services as bond counsel in connection with the city's 2009 general obligation bond anticipation note financing, and declaring an emergency.

Ordinance No. 2009-18 was introduced and placed on first reading by Mayor O'Grady. An ordinance providing for the issuance and sale of \$1,145,000 of notes, in anticipation of the issuance of bonds, for the purpose of improving certain designated streets in the city, in cooperation with the Director of Transportation of the State of Ohio and Cuyahoga County and otherwise, by grading, draining, constructing, reconstructing and rehabilitating the pavement base, curbs and sidewalks and adjusting, rehabilitating and reconstructing catch basins, manholes and water valve boxes, where necessary, preparing the surface and surfacing and resurfacing, in each case together with the necessary appurtenances and work incidental thereto, and declaring an emergency. Councilman Gareau, chairperson of the Finance Committee, noted he was in receipt of the Fiscal Officer's Certificate.

Ordinance No. 2009-19 was introduced and placed on first reading by Mayor O'Grady. An ordinance providing for the issuance and sale of \$900,000 of notes, in anticipation of the issuance of bonds, for the purpose of improving Clague Road and certain other designated streets in the city by preparing the surface and resurfacing with asphaltic concrete, together with the necessary appurtenances and work incidental thereto, and declaring an emergency. Councilman Gareau, chairperson of the Finance Committee, noted he was in receipt of the Fiscal Officer's Certificate.

Ordinance No. 2009-20 was introduced and placed on first reading by Mayor O'Grady. An ordinance providing for the issuance and sale of \$1,010,000 of notes, in anticipation of the issuance of bonds, to provide funds to pay costs of improving Dover Center Road and certain other designated streets in the city, in cooperation with Cuyahoga County and otherwise, by constructing, reconstructing and rehabilitating the pavement base, storm sewers, storm water drainage structures, curbs, curb ramps and sidewalks, where necessary, preparing the surface and resurfacing, in each case together with the necessary

appurtenances and work incidental thereto. Councilman Gareau, chairperson of the Finance Committee, noted he was in receipt of the Fiscal Officer's Certificate.

Ordinance No. 2009-21 was introduced and placed on first reading by Mayor O'Grady. An ordinance providing for the issuance and sale of \$160,000 of notes in anticipation of the issuance of bonds, to provide funds to pay costs of acquiring and installing computer hardware and software, together with necessary appurtenances and work incidental thereto. Councilman Gareau, chairperson of the Finance Committee, noted he was in receipt of the Fiscal Officer's Certificate.

Ordinance No. 2009-22 was introduced and placed on first reading by Mayor O'Grady. An ordinance amending the range of compensation rates and salary ranges for administrative and legislative personnel so as to provide the changes in salary ranges for various non-bargaining unit positions in the Department of Law; and to otherwise restate the compensation rate ranges for said various administrative and legislative personnel for the year 2009, and declaring an emergency. Councilman Mahoney moved for suspension of the rules requiring three readings and committee review based on the representation from the Mayor and Law Director that Ordinance 2009-11, which has already been passed, changed the duties of the Assistant Law Director. The motion was seconded by Council Member Jones and passed unanimously. Roll call: Mahoney, yes; Jones, yes; Kearney, yes; Barker, yes; Gareau, no; Orłowski, yes. The motion passed with five yes votes and one no vote. Councilman Mahoney moved for adoption. The motion was seconded by Council Member Jones and passed unanimously. Ordinance No. 2009-22 adopted.

Resolution No. 2009-23 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Mayor to enter into a one-year renewal of the equitable sharing agreement with the United States Departments of Justice and Treasury to provide for transfer of cash or property seized and forfeited in connection with criminal prosecution and declaring an emergency. Councilman Mahoney moved for suspension of the rules requiring three readings and committee review noting the request was being made per the Chief of Police as the application deadline of February 28 is looming. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Mahoney moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution No. 2009-23 adopted.

Resolution No. 2009-24 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Mayor to enter into a renewed agreement with Cuyahoga County Juvenile Court in connection with the Community Diversion Program which addresses juvenile misdemeanor and status offenders in the city of North Olmsted, and declaring an emergency. Councilman Mahoney moved for suspension of the rules requiring three readings and committee review noting the request is being made by Youth Services Administrator Chris Allegra to obtain funds as soon as possible for the renewal of the contract with the Cuyahoga County Juvenile Court, further noting that no monies will be disbursed in 2009 until a contract is signed and returned. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Mahoney

moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution No. 2009-24 adopted.

Resolution No. 2009-25 was introduced and placed on first reading by Mayor O'Grady. A resolution extending the city's contract with Richard L. Bowen + Associates, Inc., and the City Engineer and Assistant City Engineer, to provide engineering services to and as the city's Engineering Division, and declaring an emergency. Councilman Mahoney moved for suspension of the rules requiring three readings and committee review noting the request is being made by Service Director Limpert as the contract expires on February 27, 2009, and further noting in Section 1 of the Resolution it is indicated it is a contract extension for 30 days only. The motion was seconded by Councilman Gareau and passed unanimously. Councilman Mahoney moved for adoption. The motion was seconded by Councilman Gareau and passed unanimously. Resolution No. 2009-25 adopted.

MISCELLANEOUS BUSINESS

Marjorie Bowden, 23492 Marion Road, resident of North Olmsted for 18 years, spoke about animal care standards for companion animals. She feels current Codified Section 505.071, Cruelty to Companion Animals, needs to be updated and revised because change is coming. The last time it was revised was December 5, 2000. She also feels that it should be monitored so that we can be sure it is enforced by our Animal Warden. This is necessary for public safety issues for residents and dogs. As temperatures dip to very cold weather at night, dogs should be brought into the house as they are suffering from the cold regardless of the breed or if they have a dog house. Most of the dog houses are only plastic and, even with straw, do not keep the animals from the really extreme temperatures we have had this year. She said the Animal Warden has said we are more interested in the well being of the animal versus enforcing the law. He also said he does look into leaving a dog outside in very cold and hot weather. Taxpaying residents deserve a quiet time in their homes in the evenings without being annoyed by barking dogs chained outside in dog houses late at night. Keeping residents happy is good for the community. The most extremely critical point she wants to make is with our economy in such a turmoil and more home foreclosures coming and people leaving their pets behind by leaving them tied or chained is truly a turnoff to potential new home buyers. So this is something that's important for our community to keep growing. As a solution, she suggests that dog owners, instead of having a chain to the dog house or a stake in the ground, they can install a cable run at least 20 feet to go back and forth across their yard. It keeps the dog contained in the yard, keeps the dog from being frustrated from being tied in one spot for 24 hours, 7 days a week, 365 days a year. She is requesting a committee meeting for March 10 to go into more detail on these issues and also to put into Council meetings to continue with this animal care standards for companion animals and to please ask the Animal Warden as an official of our city to return resident's phone calls promptly. Ms. Bowden provided Council with copies of "Why Chaining is Cruel." She appreciates the time of the Council Members who have been talking to her over the phone about this issue.

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Brad Wilhelm, 126 Monroe Street, Elyria, is a colleague of Ms. Bowden and wished to support the ordinance she proposed. Also, he noted that in cities such as Baltimore; Ft. Worth, Texas; Seattle, Washington; and the entire state of California, there already are laws in effect which ban the chaining of dogs for a long period of time.

Councilman Kearney asked if there was something urgent going on in our city right now. Ms. Bowden, said there is a dog on Selhurst Road that was chained out. It is a Rottweiler, and she said that breed does not have enough hair to keep them warm to be outside 24/7 even if they are in a dog house

With the agenda being completed and there being no further business to come before Council, President Kennedy adjourned the meeting at 9:20 p.m.

Barbara L. Seman, Clerk of Council

Kevin M. Kennedy, President of Council