

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE CITY OF NORTH OLMSTED
JUNE 16, 2009**

Present: President of Council Kennedy, Council Members Barker, Brossard, Gareau, Kearney, Mahoney, Orłowski

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

Absent: Council Member Dailey Jones

President Kennedy called the meeting to order at 8:03 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 as led by Eagle Scouts Steven Goulding and Peter Heinzman.

The minutes of the Council meeting of June 2, 2009 were approved as written.

President Kennedy announced the following legislation would be considered for passage under suspension of the rules: second reading, Resolutions 2009-59, 2009-71; first reading, Resolutions 2009-73, 2009-74, 2009-81, 2009-82.

President Kennedy made the following announcements:

- Council will be on vacation in July. The next regularly scheduled City Council meeting will be August 4.
- A special City Council meeting will be held at 8 p.m. on Tuesday, June 23.

SPECIAL LEGISLATION

Resolution No. 2009-81 was introduced and placed on first reading by Councilman Gareau on behalf of the Mayor and entire City Council. A resolution commending the achievement by Peter Matthew Heinzman of the Eagle Scout Award in Boy Scouting. Councilman Gareau moved for suspension of the rules requiring three readings and committee review. The motion was seconded by Councilman Barker and passed unanimously. Councilman Gareau moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution No. 2009-81 adopted. Peter was asked to come forward, and the Resolution was read in its entirety. Peter was congratulated by City Council, the administration, and all present.

Resolution No. 2009-82 was introduced and placed on first reading by Councilman Gareau on behalf of the Mayor and entire City Council. A resolution commending the achievement by Steven Tyler Goulding of the Eagle Scout Award in Boy Scouting.

Councilman Gareau moved for suspension of the rules requiring three readings and committee review. The motion was seconded by Councilman Barker and passed unanimously. Councilman Gareau moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution No. 2009-82 adopted. Steven was asked to come forward, and the Resolution was read in its entirety. Steven was congratulated by City Council, the administration, and all present.

REPORTS

Mayor O'Grady: 1) We are saddened by the passing of United States Army Major Rocco Barnes, a Special Forces officer who was killed while serving in Afghanistan. Funeral services were held yesterday at the Church of St. Brendan for Major Barnes who grew up in North Olmsted. His mother is still a resident of our city. Please remember Major Barnes and his family in your prayers and always keep in mind those who are serving in the United States military.

2) Third annual North Olmsted American Cancer Society Relay for Life will be held this weekend at the North Olmsted High School track. Everyone is encouraged to support this event that will include 30 different teams and over 400 volunteers. Formal activities are planned from Noon on Saturday, June 20, all the way up to midnight, with the event concluding at 8 a.m. on Sunday, June 21.

3) Happy Father's Day on Sunday to all the fathers.

4) The Fourth of July bike parade and cookout will be held at the main City Hall complex this year. The parade will proceed along Dover Center Road to Butternut Ridge Road and back to City Hall along Lorain Road. The community picnic featuring hotdogs, beverages, and games will be held around the Old Town Hall.

5) Congratulations to our two Eagle Scouts. You see the very best characteristics in people nurtured through organizations like Scouting, both Girl Scouts and Boy Scouts. These two men are great examples of that as both are drawn to public service, one potentially as a teacher of music and the other as a military man. Congratulations to them and sincere thanks to all the parents and Scout leaders who bring this wonderful organization to our community.

6) A public meeting will be held in July to present the recommendations of the Great Northern Multi-Modal Transportation Plan. This study deals with different modes of travel—public transportation, private automobiles, bicycles, walking. It's a great initiative championed by our Planning Director for which we have received grant funding from the county.

7) The Director of Planning is researching both Community Development Block Grant stimulus funding and Clean Ohio funding. The city continues to look in absolutely every direction that we can to find additional revenue sources.

8) The Police Dept. is asking that all residents lock their cars at night. Several residential developments have experienced an increase in break-ins, often with vehicles left open. The bike patrol is out and about.

9) A mediation session will be held on Wednesday with the Fraternal Order of Police.

10) A final interview was held to select a consultant to help with the potential regional fire district. The Mayors and Fire Chiefs met after the final interview to discuss the

candidates. They will meet again in July during the regularly scheduled COG meeting to further discuss this issue, and a determination is expected next month.

11) The Law Dept., Finance Dept., and Safety Dept. are finalizing details regarding collection systems for non-resident overdue EMS bills, yet another example of how we are looking at every possibility to find revenue streams. City Hall representatives have met already with the owner of Great Lakes Billing to review procedures to continue to enhance our efforts to collect these outstanding debts.

12) Terrace Drive will be closed for up to three days this week beginning today. Cuyahoga County is making emergency repairs to storm sewers in Olmsted Township on Elizabeth and is closing Terrace as that street too will be excavated. Traffic signs have been posted on MacKenzie alerting drivers to this change.

13) Pre-construction meetings are being held with contractors regarding street repairs. A meeting was held last Friday with Specialized Construction regarding the asphalt recycling and reclamation projects on Lewis, Oakdale, West 232 and Twin Circle. Work is scheduled to commence in mid-July, and it will take approximately three weeks for these streets to be repaved.

14) Pre-construction will occur this week with regard to Dover Center Road.

15) ATS is in their final design work with regards to renovations and improvements at the WWTP. A two-day visit by ATS engineers included a complete walk-through of the facility.

16) Union negotiations begin this week with members of AFSCME. Meetings will be held Thursday morning with representatives of the Service Dept., while Clerical/Tech workers will meet in the afternoon.

17) As Ordinances 2007-135 and 2009-6 are dated and scheduled to be placed on the table this evening, he hereby withdraws his sponsorship.

President Kennedy commented that at the last Council meeting he had asked the Mayor whether any action was planned this year with regard to the projected shortfall in 2010, which he now understands may be \$2.4 million rather than \$2 million. He believes action should have been taken in the first quarter. Mayor O'Grady replied that the time for action on this issue, and in fact everything associated with our city government and the administration of that government, was four years ago when he took office. That is indeed when this work began. President Kennedy noted that the Mayor had explained that previously, but what he wants to know is what is being done from this day forward until the end of 2009 to help solve the problem. Because whatever we do is going to be painful, but waiting will be extremely painful. Mayor O'Grady said he would give the same answer as he gave two weeks ago, which is the administration continues to do the good, innovate things, the good solid leadership that was brought to this position. He suggested Mr. Kennedy come in and meet with him to discuss these issues more candidly and more in depth. He does not think bringing up the idea of furloughs or layoffs at this point and in this venue is wise. If Mr. Kennedy will come in and meet with him and the Finance Director, they will bring him up to speed as much as they can. The bottom line is every single thing is on the table. We have nowhere else to turn. The revenue streams have been flat for ten years. Last year they went down; this year they went down. More than four years ago he said we would be laying off people if we didn't change how we were doing business. We couldn't get change. Layoffs happened after the economic

crash, and that is where we are. President Kennedy said he would schedule a meeting with the Mayor and Finance Director. But again, his concern is an action plan for right now, not what has been done in the past. Mayor O'Grady said the action plan has been in his reports. He has previously spoken about looking for additional revenue streams and looking for ways to find greater efficiencies.

Finance Director Copfer commented regarding the projected \$2 million shortfall amount for 2010 that was stated two weeks ago, she very clearly said it would depend upon revenues coming in at plan, expenditures being spent as appropriated, and the reduction of market values from the County Auditor for our property taxes. It did not include any other revenue reductions, such as what is happening with municipal income tax. She had said that would be evolving, and it is evolving. That is why the projected shortfall is now at \$2.4 million.

Finance Director Copfer: 1) The Finance Department has completed the CAFR for 2008. Our auditor is still completing the audit work this week. When that audit is complete, including the Auditor of State review, the State Auditor will release it and she will provide that information to City Council.

2) She met with the Mayor and the directors on the 2010 projected budget shortfall. She welcomes Council Members to come in if they have questions or concerns on specific issues.

3) She has worked on the 2010 county tax budget and in conjunction with that is reviewing budget to actual for 2009 year to date. She expects to complete that by next week. She is taking it from a different perspective, and it's not telling any different story than we have already projected.

4) The May monthly financial reports were distributed to Council, the Mayor, and the directors today. Her conclusions have not changed in total from March. The revenues are coming in as expected. The municipal income tax, while expected to decline further than what our plan had anticipated, has not occurred yet. Expenditures are over plan slightly, but upon deeper review, it looks like that is primarily due to some expenditures that were paid one time for the year rather than ratably throughout the year. If there are expenses that are over 41.67% expended through five months, that may be something that we pay quarterly or on an annual basis. For example, pensions look higher than what they really are for 2009 because payments made in 2009 relate to 2008 wages, which is per the pension systems reporting requirements. Therefore, there are more months of pension in there than just five months.

Councilman Gareau, chairperson of the Finance Committee: 1) The Finance Committee met on June 29, 2009 at 7:15 p.m. Present were Council President Kennedy, Councilman Brossard, committee member Councilman Barker, Councilman Orłowski, committee chairman Councilman Gareau, committee member Councilman Kearney, Councilman Mahoney; Finance Director Copfer and Planning Director Wenger; economic development consultant Greg Myers from Silverlode Consulting. The committee discussed Resolution 2009-71, a resolution extending for a second additional one-year period the city's contract with Silverlode Consulting Corporation for the purpose of providing economic development consulting services to the city and declaring

an emergency. Mr. Myers gave an overview and presentation on what has been taking place in the area of economic development over the past couple of years. First, he discussed the current contract arrangement, which in the past was a flat fee basis for the services to be provided on a yearly basis. At the request of the administration, the suggestion was made that we proceed with an hourly basis for purposes of cost consciousness, and Silverlode agreed. This benefits the city because we can keep better track of the exact service that is being provided. Silverlode has additional staff that bills at different rates, and we can take advantage of the services of their staff who bill at a lesser rate. Mr. Myers discussed some of the things that have taken place in the past few years while he has been working with the city in economic development. One main focus of his efforts has been business attraction—going out and seeking new, expanding, or up-and-coming businesses that would seek to come to North Olmsted to bring in additional jobs. This would provide an enhancement to our tax base, but also would provide some additional opportunities for our local retailers and restaurants. He said it was an easy thing to do. North Olmsted in terms of its location—proximity to the airport, proximity to the turnpike, a very short drive time for the labor pool, proximity to I-71, 480, and 90—is a very attractive market for any business that would like to locate here. Mr. Myers presented a very comprehensive discussion of the competitive costs of operation, which are fairly good. One of the things he mentioned is that he achieved that message and laid the groundwork for that type of economic development through utilization of the real estate market and contacts that he had in real estate. He was able to put the word out and develop these relationships over long term, whereby over a period years we would begin to realize some return on those relationships and the advertisement of North Olmsted as a good business-friendly community. He also spoke about the commencement of the marketing of Crocker/Stearns. He commented we have a lack of available space for business to locate in North Olmsted. He mentioned 40,000 square foot of space at North Olmsted Towne Center. But we do not have large spaces for office use available. This is a blessing and a burden at the same time because we are trying to attract new business to North Olmsted. Practically speaking, there are one or two spaces that are open. That brought him to Crocker/Stearns and how Silverlode is trying to market Crocker/Stearns as an opportunity to develop for an office use. He also talked about the possibility of redevelopment of other areas. For instance, Lorain and I-480 which would require some rezoning, but which has some very large tracks of land available for development. He also talked about the prospect of redeveloping some old sites. We have some retail sites which are no longer viable and which might become available for a change of use. He did say, because of the downturn in the economy and current economic climate, they were shifting toward retention and reaching out and creating relationships with the business community to try to determine if they are going to retain their leases or if they would be doing some expansion. Silverlode will work with them to identify their needs to make sure they are being satisfied by the city in the event that they have some relocation issues or if they wish to grow in the current location. The committee brought up the issue of retail as residents often want to know what we are doing about retail vacancies in North Olmsted. He said, unlike relocating businesses and office space, retail is based upon consumer spending. It's based upon demand, both the residents who live here and the employees who come here and swell the city in population each day and how they utilize that. It is market driven. When something is

market driven, it is difficult to try to find a particular retail outlet to satisfy a market for it. They find their own. However, Silverlode is creating a database of vacant retail which could be presented to those persons who might wish to consider a retail establishment in North Olmsted. He mentioned how the city has seen the concept of developing one new area and it kind of just pulled away from the center. It is cannibalizing, so to speak, our own retail community. Mr. Myers was very clear that he felt greater Cleveland, not just North Olmsted, was far out of sync with the need and the demand for retail versus what was actually being provided. There is going to be some contraction. When that contraction happens, he suggested we should look at redevelopment strategies. Great Northern Dodge was an example he mentioned where people should look outside the box and think perhaps it can be used for another purpose other than retail. Over the past couple of years, Silverlode has brought in new revenue to the city. For instance, over the next ten years with just the addition of two businesses that moved to North Olmsted, Advance Star and IQS, through his efforts and through efforts of Planning Director Kim Wenger, the end result to North Olmsted is \$2.607 million in additional revenue after tax credits have already been paid out. That is additional tax revenue to the city over ten years of \$2.6 million. This year alone it's \$170,000, next year \$230,000. That is on the order of 170+ jobs. This year it's about total additional payroll of approximately \$16.5 million. When we talk about this additional contract for Mr. Myers to come in and provide services to the city, he thinks it has paid a dividend. Mr. Myers is creating relationships that we will see the fruit of perhaps two or three years down the road when the economy changes. Mr. Myers is positioned very nicely in the business community to be successful and make North Olmsted a competitor in Cuyahoga County and the region. Congratulations to Mr. Myers, the administration, and Kim Wenger for their hard work. In committee, Councilman Gareau made a motion to recommend approval; the motion was seconded by Councilman Barker, and the committee recommended approval by a vote of 3-0 with a request for suspension of the rule because the contract is set to expire before Council convenes again in August.

Councilman Barker, chairperson of the Building, Zoning & Development Committee: 1) The committee met this evening from 6:45 p.m. to 6:56 p.m. to discuss COMS 09-04, North Olmsted Auto Collection. Present were chairperson Councilman Barker, committee member Councilman Gareau, President Kennedy, Councilmen Brossard, Orłowski, and Kearney; Mayor O'Grady and Planning Director Wenger; John Dodovich of Welty Building who represented North Olmsted Auto Collection. The applicant was heard at the Planning & Design Commission last Wednesday. Last year, they had brought forward a plan making multiple changes between the addresses of 28300 and 28450 Lorain Road. Due to the economy and the change in automobile business, they had to make some adjustments. They are still going to improve the frontage of all their property. Some of the changes have already been completed; more changes and additions are coming, and it depends on the economy. In the changes they are proposing, the building at 28300 Lorain, the proposed Saab dealership, will remain as is and will not be redeveloped. The front setback area will be planted with landscaping consistent with the design in front of Mercedes and Porsche, and the parking lot will be resurfaced. The building at 28350 Lorain Road, the doctor's office building, is no longer part of the development area. The applicant will plant some evergreens along the rear lot line to

provide some screening for the residents. The building at 28364 Lorain Road, the former Realty One building, will remain instead of being demolished. The lot will be resurfaced and restriped, the grass area between Porsche and Realty One will be open to permit traffic to circulate, utilities will be buried along the grass area, the area behind the building will be cleaned up, and grass will be planted. The front setback will include landscaping, display parking consistent with the previously approved plans, brick pavers will be installed in the right-of-way to the curb cut. Few changes are proposed for the development plans for the Mercedes and Porsche area—a transformer will be relocated to the east side of Porsche. The additional inventory parking will be constructed as proposed. Trees at the northwest corner of the site severely damaged during a recent storm will be removed. The area north of the fence which contains mature trees and vegetation will be cleaned up and some additional plantings will be installed with the agreement of the adjacent homeowners. The committee discussed lighting and fencing. The 8 foot fence has already gone up; but, because of the way the property goes, from the residents north of there, it appears to be almost 10 to 11 feet. Residents on the north side of the development of that area are very pleased with Mr. Mareno and the work that he has done. After discussion of landscaping issues that will be proposed to Ms. Wenger, those will be left to her discretion to be approved. In committee, a motion was made by chairperson Barker to approve with discussed amendments; the motion was seconded by Councilman Gareau; the committee voted to approve 2-0. Councilman Barker made a motion that Council approve COMS 09-04, along with the amendments submitted, for North Olmsted Auto Collection. The motion was seconded by Councilman Gareau and passed unanimously.

Councilman Mahoney, chairperson of the Recreation, Public Parks & Buildings Committee: 1) The committee met on June 9, 2009 at 7 p.m. Present were committee members Mahoney and Brossard; Council President Kennedy, Councilmen Barker, Orłowski, Gareau, and Kearney; Planning Director Wenger; guests from the Cuyahoga County Library Ms. Tracy Strobel and Mr. Dan Chinrock. On the agenda was Resolution 2009-59, a resolution, introduced by Mayor O'Grady, authorizing the Cuyahoga County Library to make structural changes to the North Olmsted library building, located at 27403 Lorain Road, and declaring an emergency. The legislation was heard at a prior committee meeting in May. The purpose for this resolution is to provide for increased safety at our public library and to address the issues of trip and fall concerns which currently exist at the library in and around the children's area and, in particular, the ox cart. After hearing the presentation from Ms. Wenger, Ms. Strobel and Mr. Chinrock, the concerns that had been addressed and expressed by Council Members at the May committee meeting seemed to have been satisfactorily addressed by the County Library. They are going to make renovations that total \$21,000. The existing carpeting and flooring will be removed, and a new surface and carpeting will be installed. They are going to install a custom bench. The costs will be paid by the library and not by the city. In committee, Mr. Mahoney made a motion to recommend approval to all of Council; the motion was seconded by Mr. Brossard, and the committee recommended approval 2-0. There is a request for suspension tonight primarily to get the matter addressed in a timely manner.

AUDIENCE PARTICIPATION

1) Dennis Lambert, 25057 Carey Lane, said he is known as a “frequent flyer” at these meetings, which means he has been around quite a bit. He speaks his mind and has called the Mayor on several issues. But the Mayor needs to be commended as he’s finished out his term in style by doing his job right to the end. He previously served on a City Council (Fairview Park), and it was very active. He noted that Council has the legislative power in this community to enact any program it chooses to do. Council does not need to ask the Mayor to move this city forward; they can order up legislation and suggest that it happen that way. The Mayor can either veto that legislation or go along with it. He thinks the Mayor took a high road offering to sit down and meet to work things out, but Council can on their own bring up a new idea and put it in legislative form and pass it. This was done in Fairview Park, and it moved the city forward. Those traditions remain. Regarding the report on the economic development, he wondered what the cost was because he does not think it was worth very much. This city didn’t need a study to know that it can reinvent itself anytime it wants to. Councilman Gareau commented that Mr. Lambert often complains the city does nothing to attract new business. Then, when we attract new business, he complains. The report given was from a committee meeting where Mr. Myers gave his observations and spoke about services provided to the city as part of the Silverlode consulting contract. Mr. Lambert said he did not think the information was worth that much. Mr. Gareau noted that the contract was for \$58,000 over two years, and it has generated \$170,000 this year alone and last year it generated \$109,000. That is \$280,000 generated with expending for the two-year contract \$116,000. Next year, it will generate \$230,000, the year after that \$268,000, the year after that \$307,000. That is not a waste of time. That is doing what Mr. Lambert has asked the city to do.

2) Bill Kosmac, 27180 Pompton Drive, spoke about the wind turbine systems legislation. He attended the Planning & Design Commission meeting held on June 10, where there was a standing-room only crowd of residents. There were numerous concerns about putting such devices in a community so densely populated like North Olmsted. There were additional concerns about noise, insomnia, difficulties with equilibrium, headaches, and other health problems. A pediatrician in New York has even coined the phrase, “Wind Turbine Syndrome.” One of the main concerns was the safety of our children as there is a possibility of the school board wanting to erect one of these on the Middle School campus. With so much concern and worry about the health of residents, taking away from the esthetics of North Olmsted, and the safety of our children, why would wind turbines even be considered? He believed there were only two Council Members who attended that meeting. He invites and encourages City Council to attend the next meeting on July 8 so they can hear firsthand all the concerns that are weighing heavily on the residents of North Olmsted. Councilman Barker explained there were three Council Members at the meeting—Mr. Orlowski, Mr. Brossard and himself.

LEGISLATION

Ordinance No. 2009-62 introduced by Mayor O’Grady was given its third reading. An ordinance amending Section 165.04 (“Duties”) of Chapter 165 (“Landmarks Commission”) of the Administrative Code in order to provide authority to the city Landmarks Commission to review and retain in the city’s archives records of historical interest or value that have been submitted to the city Records Commission and/or the Ohio Historical Society for disposal. Councilman Brossard moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Ordinance No. 2009-62 adopted.

Resolution No. 2009-65 introduced by Mayor O’Grady was given its third reading. A resolution authorizing the Director of Law to settle a claim for damages to a police cruiser and authorizing the Mayor to execute a general release and settlement. Councilman Gareau moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution No. 2009-65 adopted.

Ordinance No. 2007-135 introduced by Mayor O’Grady was given its second reading for the purpose of tabling. An ordinance amending Section 1 of Ordinance No. 2002-103 in order to authorize the Mayor or his designee to utilize the services of collection agencies to more effectively collect EMS billing delinquent accounts. Councilman Gareau made a motion to table, and the motion was seconded by Councilman Barker. Roll call: Gareau, no; Barker, no; Brossard, no; Kearney, no; Mahoney, no; Orłowski, no. The motion to table failed 6-0. Law Director Dubelko noted that the Mayor had withdrawn his sponsorship from the legislation, so he would hope that somebody would jump in and sponsor it. Councilman Gareau said he was not familiar with the concept of withdrawing sponsorship of legislation. Is that authorized in the rules, or how does that work? Law Director Dubelko said people come and go on legislation. He does not think anyone can be compelled to sponsor legislation they no longer wish to sponsor. Councilman Gareau asked if that disposes of the legislation by virtue of somebody saying they’re withdrawing their sponsorship? Law Director Dubelko said no, but he thought somebody should jump on board and sponsor it because the Council wants to keep it alive. Councilman Gareau said in ten years he never has heard of such a thing where, in the middle of the meeting, the Mayor announces he no longer wishes to sponsor a piece of legislation and perhaps somebody else should pick it up. Law Director Dubelko said he had raised the issue of sponsorship with Council a couple of years ago and had recommended that Council pass rules dealing with sponsorship, and Council didn’t choose to follow that advice. Today it is his opinion somebody cannot be compelled to be a sponsor of legislation. Mayor O’Grady said Council should either sponsor the legislation or table it. Both these pieces of legislation (Ordinances 2007-135 and 2009-6) are dated, and he requested they be placed on the table. Councilman Gareau asked if the tax increase credit adjustment was being considered to solve the \$2.4 million shortfall? Mayor O’Grady answered not by him at this time. Councilman Gareau asked, then that is not something that the administration is giving passing thought to? Mayor O’Grady answered that everything is on table. He is not sponsoring this legislation (Ordinances 2007-135 and 2009-6) in this format any longer. If they’re needed and if there is the public will coming from Council, we’ll bring them back. But these two pieces are not

being sponsored by him any longer. They are dated, and they are placed on the table. Councilman Gareau said he is not aware that they're dated because everything is on the table and it's still a relevant consideration to the process. Mayor O'Grady again said it was not being sponsored by him. If Mr. Gareau wishes, he can put his name on it. Councilman Gareau said he would like to know about the underlying rationale Council was given for why they didn't table it (Ordinance 2009-6) and discuss it six months ago. They were told it was going to have a significant effect with the bond process. He asked Finance Director Copfer, what is changed between today and six months ago with what happened with the bond process and our rating with how we would be viewed if went out for borrowing if we did or did not pass this or acted negatively upon it? Finance Director Copfer apologized for missing caucus where this was discussed earlier in the evening. Council already voted down the tax credit reduction, and so the damage to any of our bond rating has already been done. She believes this is the second piece that was introduced. Councilman Gareau asked, if the damage was done, why was Council told that this couldn't be voted down? Last time, they were told to keep it in committee because it was going to negatively affect the city. Somebody is now saying the damage was done. So either damage was done or it wasn't done. Finance Director Copfer said she did not recall telling Council that. Mayor O'Grady said she had not. Councilman Gareau continued by saying Council was just told that the first one that was voted down, any damage that could have been done was done. At the time this piece of legislation was being discussed, Council was told not to take action on it, to leave it in committee because it could have a negative affect on the city's bond rating is negative action was taken on it. Now Council is being told the damage was already done. So which one is it? Councilman Barker said he remembered it that way also, and the Law Director had told Council to leave it in committee. President Kennedy asked what damage was done? Councilman Orłowski asked, since sponsorship is being removed at this Council meeting and it's been put on the agenda and brought before Council, what is the status of the legislation? Should not the sponsorship have been removed before it was put on the agenda? Is that is a way of disbanding the legislation? Law Director Dubelko said he would prefer for City Council to have rules on sponsorship, but they don't. It's his opinion that you can't compel somebody to remain a sponsor of legislation. He thinks there have been times in the past when people have jumped off legislation they don't any longer sponsor, but it's never resulted in there being no sponsors on legislation. He thinks simply that you can't compel any member of Council or the Mayor to remain a sponsor on legislation. Councilman Orłowski said he was not stating that anyone should be compelled to remain on legislation. He is questioning the point of it taking place at this Council meeting. It should have been previously done and then it would not have been placed on the agenda. Law Director Dubelko said he thinks that is what the Mayor's quest to table it was—a request essentially to withdraw his support of it. Mayor O'Grady said this should be nothing new to Council. Periodically the Clerk of Council circulates to all members of Council and to the Mayor, to all those who are able to sponsor legislation, those pieces of legislation that are currently held in committee. Then Council and the Mayor are asked to place legislation on the table that they think is not going to be moving so that the backlog can be cleaned up. That is all that has happened. These two pieces of legislation are dated. If they're to be brought back, they would be in some other form. He does not know what that is. It depends on the will of Council,

certainly, because nothing gets passed without Council. These two pieces of legislation are not being sponsored by him. Place them on the table. When the time is right with both issues and we have a clear picture of what direction to go, then we can bring them back in whatever correct form there should be. In his view, this is becoming a tempest in a teapot. Quite frankly, it's dated information. Put it on the table, bring it back in its proper form at the proper time. Councilman Barker stated that he has been coming to meetings since 1998. He will agree with what the Law Director said that there are times when co-sponsors have removed or added their names to legislation. But he has never heard of legislation sponsored by one person, and that person removing their name from the legislation. President Kennedy called for a halt to the discussion and a decision be made. Removing it from the agenda and putting it back into committee so it can be further discussed would be a fine option. Councilman Gareau said it seems like there's an additional way to table legislation—by virtue of simply withdrawing sponsorship. Is that the legal effect? Is it dead by virtue of the Mayor's withdrawal of sponsorship? Because the further action would be, Council is being told they have to table it. What if nobody else wants to sponsor it? Law Director Dubelko answered, if Council wants to keep it alive, he would think somebody would sponsor it. Councilman Gareau made a motion to remove Ordinance 2007-135 from the agenda and place it back into committee. Law Director Dubelko said that did not deal with his objection to it. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance No. 2007-135 was removed from the agenda and placed back into committee.

Councilman Gareau made a motion to remove Ordinance 2009-6 from second reading and send it back to committee. The motion was seconded by Councilman Barker and passed unanimously. Ordinance No. 2009-6 was removed from the agenda and placed back into committee.

Resolution No. 2009-59 introduced by Mayor O'Grady was given its second reading. A resolution authorizing the Cuyahoga County Public Library to make structural changes to the North Olmsted library building located at 27403 Lorain Road, and declaring an emergency. Councilman Mahoney moved for suspension of the rule requiring three readings for the reasons indicated at caucus and for the purposes of timeliness. The motion was seconded by Councilman Brossard and passed unanimously. Councilman Mahoney moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution No. 2009-59 adopted.

Resolution No. 2009-71 introduced by Mayor O'Grady was given its second reading. A resolution extending for a second additional one year period the city's contract with Silverlode Consulting Corp. for the purpose of providing economic development consulting services to the city, and declaring an emergency. Councilman Gareau moved for suspension of the rule requiring three readings noting it was reviewed in committee. The reason for suspension being the contract term for the previous period is set to expire before Council can take further action. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Gareau moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution No. 2009-71 adopted.

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Ordinance No. 2009-72 was introduced and placed on first reading by Councilman Orłowski. An ordinance creating new Chapter 1373 of the Building Code, entitled "Building, Zoning, Property Maintenance and Other Nuisance Activities," in order to provide for the abatement of public nuisances and the recovery of city response costs incurred as the result of the multiple recurrence of such nuisance activities on residential property located in the city of North Olmsted.

Resolution No. 2009-73 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Mayor, on behalf of the city of North Olmsted, to enter into an agreement with the Board of Cuyahoga County Commissioners for the asset transfer of equipment purchased with only a FY2006 Homeland Security Grant, and declaring an emergency. Councilman Gareau moved for suspension of the rules requiring three readings and committee review. The motion was seconded by Councilman Barker and passed unanimously. Councilman Gareau moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution No. 2009-73 adopted.

Resolution No. 2009-74 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Mayor, on behalf of the city of North Olmsted, to enter into an agreement with the North Olmsted Community Council, Inc., granting the latter permission to place Homecoming banners on poles located in the city right-of-way on Lorain Road near North Olmsted Park, and declaring an emergency. Councilman Mahoney moved for suspension of the rules requiring three readings and committee review for the reasons indicated by Mayor O'Grady at caucus. The motion was seconded by Councilman Barker and passed unanimously. Councilman Mahoney moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution No. 2009-74 adopted.

Resolution No. 2009-75 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Director of Planning to make application on behalf of the city of North Olmsted for Community Development Block Grant (CDBG) funds through the American Recovery and Reinvestment Act of 2009 for reconstructing a portion of Country Club Boulevard near Great Northern Mall; authorizing the Mayor to accept the grant if awarded; and declaring an emergency.

Resolution No. 2009-76 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Director of Public Service to advertise for bids for the purchase of up to 5,000 tons of stone for various Service Department needs throughout the city as detailed in the specifications on file, further authorizing the Mayor to enter into a requirements contract with the lowest and best bidder to purchase said stone, after Board of Control approval, and declaring an emergency.

Resolution No. 2009-77 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Director of Public Service to advertise for bids for the purchase of up to 5,000 tons of asphalt, tack coating and related items for various Service Department needs throughout the city as detailed in the specifications on file, further authorizing the Mayor to enter into a requirements contract with the lowest and best

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bidder to purchase said asphalt, tack coating and related items, after Board of Control approval, and declaring an emergency.

Resolution No. 2009-78 was introduced and placed on first reading by Mayor O'Grady. A resolution authorizing the Director of Human Resources to purchase an email software server, an email archiving software server and a MUNIS server through the State Purchase Program, and declaring an emergency.

Ordinance No. 2009-79 was introduced and placed on first reading by Mayor O'Grady. An ordinance amending the Traffic Control File of the city of North Olmsted to provide for the elimination or modification of certain "No Right Turn on Red" prohibitions located at the intersections of Great Northern Boulevard at Lorain Road, Lorain Road at Clague Road, Brookpark Road at Clague Road, Brookpark Road extension at Dover Center Road, Cedar Point Road at Columbia Road, Maple Ridge Road at Clague Road, interstate I-480 exit ramp at Clague Road, in the city of North Olmsted.

Ordinance No. 2009-80 was introduced and placed on first reading by Mayor O'Grady. An ordinance amending Section 333.01 and 337.26 of the Traffic Code, and Section 513.03 of the General Offenses Code, to establish and/or increase the minimum mandatory fines for first time OVI offenders, child restraint system offenses, and certain marijuana possession offenses.

MISCELLANEOUS BUSINESS

Councilman Gareau scheduled a Finance Committee meeting for 7 p.m. on Tuesday, June 23, 2009 to discuss Resolutions 2009-75, 2009-76, 2009-77, and 2009-78. The Service Director, H. R. Director, and Planning Director are asked to attend.

President Kennedy gave a reminder that a special Council meeting would be held at 8 p.m. on Tuesday, June 23, 2009.

Councilman Kearney scheduled a Public Safety, Health & Welfare Committee meeting for 7 p.m. on Monday, August 3, 2009 to discuss Ordinances 2009-72, 2009-79, and 2009-80. The Safety Director and Law Director are asked to attend.

Councilman Gareau made a motion to excuse the absence of Council Member Nicole Dailey Jones. The motion was seconded by Councilman Orłowski and passed unanimously.

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