

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE CITY OF NORTH OLMSTED
DECEMBER 15, 2009**

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

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

Absent: Council Member Mahoney

President Kennedy called the meeting to order at 8 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.

Councilman Gareau made a motion to amend the agenda to remove from first reading Ordinance 2009-141. The motion was seconded by Councilman Orlowski and passed unanimously. Ordinance 2009-141 removed from the agenda.

The minutes of the Council meeting of December 1, 2009 were approved as written.

President Kennedy announced that the following legislation will be considered for passage under suspension of the rules: Second Reading – Ordinances 2009-135, 2009-139 & Resolution 2009-140; First Reading – Resolutions 2009-144, 2009-146, 2009-150 & 2009-151.

Resolution 2009-150 was introduced by Councilman Gareau on behalf of all members of Council and the Mayor. A Resolution to honor and recognize the accomplishments of Ken and Kathy Ball and declaring an emergency. Councilman Gareau made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Orlowski and passed unanimously. Councilman Gareau moved for adoption. The motion was seconded by Councilman Orlowski and passed unanimously. Resolution 2009-150.

Mr. and Mrs. Ball came forward as the Clerk of Council read Resolution 2009-150.

Councilman Gareau said not to forget the many accomplishments and the many ways that they volunteer in the community – their involvement with the Community Council through the Taste of North Olmsted Program, North Olmsted Soccer Organization, and the recognition days they have. They are a wonderful contribution to North Olmsted and an example for everybody. Council President Kennedy said to all of North Olmsted

residents, remember that people that give to our community when you go out for a chicken sandwich you have many options, but you have a really, really good option in Chick-fil-A who gives back to the community.

REPORTS

Mayor O'Grady: 1) He asked Police Chief Wozniak, Tom Herbster and Terry Groden to come to the front as well as Ken and Kathy Ball. Mayor O'Grady recognized Ken and Kathy Ball for their generosity and their attendance at events at their location to benefit the police officers and the firefighters.

Mayor O'Grady read his Proclamation: Now therefore I, Thomas O'Grady, Mayor of the City of North Olmsted on behalf of the City Council and our entire community do hereby recognize and commend Ken and Kathy Ball and the Chick-fil-A corporation for their many charitable efforts and their ongoing generosity in support of our entire community.

Ken Ball thanked everybody. He said when they went into business, it was going to be about taking care of the community. It was going to be about just having awesome experiences and really taking care of people. They never made it about selling chicken. That is Chick-fil-A's philosophy. They are very blessed to have a community that's embraced them and they appreciate everything.

2) Mayor O'Grady offered his thanks to his Administrative Assisant Annie Kilbane for her outstanding work in ensuring that the recent Christmas tree lighting ceremony held at Springvale was an outstanding success. He thanked the members of Council and residents who attended.

3) He decided to forgo his traditional report to Council and the happenings within the city to instead reflect upon the state of the city government. He said he transmitted a copy of his traditional report to the Clerk, and he would like that included with the record of Council.

Mayor O'Grady continued his remarks from a letter which has been incorporated into these minutes:

I offer my sincere appreciation to the Departmental Directors that served in my Cabinet. Kim Wenger, Duane Limpert, John Dailey, Cheryl Farver, and Lisa Thomas were the reasons that we have been able to accomplish so many great things for our citizens. As I promised in 2005, we have reshaped and reorganized our government to provide superior service at a greatly reduced cost to our taxpayers. During our first four years in office and prior to the international fiscal crisis, we used intelligent reorganization to reduce our full-time staffing from over 300 employees to just over 200 employees, and we did so using normal attrition rather than layoffs. Our combined efforts at modernizing our government have led to a savings of about \$3 million a year for every year that we have been in office.

As I promised in 2005, we have worked to rebuild our community. During this term we saw the completion of five major road projects, to include the last new major roadway that will ever be built in Cuyahoga County, and all of these projects were done primarily

using grant funds that greatly reduced the cost for our taxpayers. Clague Road; SR 252 and the Great Northern overpass at I-480; the new Crocker-Stearns roadway, Dover Center Road; and the Stearns-Cook project with a new traffic signal at Dorchester. These new roadways have reshaped our City. Added to that is the first ever professional street study that removed the politics from the debate, and ensured that the neediest streets in our City were completed first. We had streets rated 1 or 2 in a 10-point scale when this administration took office. We now leave with most streets rated 5 or better.

We have reshaped the physical structure in which we live and work. I stated that open government is good government, but our buildings were closed to some of our citizens. For the first time ever we now have ADA access at our Senior Center and City Hall, with a new modern Caucus Room that would not be there were in not for our vision and effort. We have ADA accessible playgrounds for the first time in our City's history, and other recreation assets that were improved every year.

Working with our Law Director we have formalized previous 'hand-shake' agreements and improved the ability of our government to more openly and efficiently serve our people. Working with of Finance Director we have reaped the benefit of the independent financial experts at Fitch and Moody's who looked in upon the leadership and fiscal oversight within our Administration and judged us to be superior in our care for the taxpayers' dollars. The upgrade of our bond rating early in this term and the reaffirmation of that bond rating earlier this year both cited management's reorganization efforts to control cost while instituting good financial controls.

We have improved the delivery of safety services within this City with the opening of new facilities and the acquisition of state-of-the-art equipment that includes improved cameras and patrol rifles for our police and infra-red scopes for our fire services.

As we look back it is clear that we have done great things for our community, and we have much to be proud of as this Administration concludes in two weeks. But more important than the look back is the look forward.

My earliest inspiration in government service was my father. Thomas P. O'Grady had the courage to serve our nation during the Korean conflict, and I was proud to follow in his footsteps during my career in the Marine Corps and my retirement from the United States Army.

I also followed in his footsteps in government. My father was a Councilman in this City while I was studying at Harvard. As I studied US and foreign governmental systems, my father spoke to me of local government. He spoke of the courage and dedication needed to serve the people.

My father rejected the notion that his vote belonged to anyone else other than the citizens. For that reason, he was often attacked by other members of Council who were in his own party who believed that he should be part of their voting block. He told me that he called these others the 'long knives.' Although it didn't occur to me at the time, I found some humor on reflecting back to my comments during our meeting of March 15 of this year when I made reference to the 'Ides of March.' Whether it was the time of Caesar, or the mid-1980s or today, it seems that the 'long knives' are a recurring theme in government service, and to that point, I will now address my final comments.

I now join with all the citizens of this community and look to you who will continue to serve in public office, and I ask you to do just that, to serve. Remember that the office you hold and the vote you cast does not belong to you. It belongs to our citizens. I

encourage you not to trade your vote for some future benefit, and that is my parting request to you.

Law Director Dubelko: 1) He said this is his last report, and the Law Department Secretary is preparing an annual report which will be provided to Councilman Gareau when he assumes office.

Law Director Dubelko read from a letter that has been incorporated into these minutes:

I begin this report with an apology—an apology both in the traditional sense of an explanation and defense of my performance in office but also as an expression of regret that my performance was not often as good as it should have been. This apology is to the members of Council, to the Mayor and his Directors, and to the voters. Frankly, I think that this is what every elected official should do upon leaving office. It is such an honor and high responsibility to serve as an elected official in America—at any level of government. We in America live both in the greatest democracy on the face of the Earth and in one of the most challenging times facing that democracy. That being so, if we as elected officials just show up for work, if we just earn our paycheck, if we just perform our duties, and even if we always honor our oath of office, it's not enough; we haven't done enough. If we can't say that on each and every day that we served we made a real difference as elected officials—and in my case, to say that for each and every day of my service, I provided you with all the legal advice and guidance that you needed to perform your duties as elected officials at a level of excellence, then we've come up short--I've come up short, and an apology is appropriately owed to you and to the people that have elected me. After reflecting upon my eight years in office as an elected official, I know that I've come up short and so I begin by apologizing to all of you.

There is value in an apology not just in that it helps to cleanse one's soul, but also because it may help other elected officials in North Olmsted, both present and future, to profit from the shortcomings in your service and thus it may help these officials to better serve in the future and to thereby better protect and promote both our City and the wonderful democracy in which we all live.

When I decided to run for this elected position some nine years ago, I sincerely wanted to doing things that would improve upon the service of my predecessor, Michael R. Gareau, Sr., who had served North Olmsted as Law Director at a level of excellence for twenty-eight years. I knew very well—better than most – that Mike Gareau, Sr., would be a very tough act to follow. Mike hired me as a Law Clerk way back in 1978, and, after I completed a clerkship in the Cuyahoga County Court of Appeals, he hired me again as his Assistant Law Director in 1981. I would serve him and the City for the next twenty years in that capacity before becoming Law Director myself in 2002. Mike Gareau, Sr., thus became, and was for these many years, my mentor in the practice of law, and more particularly in municipal law. Mike Sr. taught me my profession and showed me by his own performance how a municipal lawyer should serve his municipal clients and the public. Mike Gareau, Sr., as Law Director, was – he actually still is – a skilled politician, a passionate lawyer, and a man of great morals and principles. Like I said – a tough act for anyone to follow and particularly for me to follow.

By way of explanation, as high as Mike had set the bar for others that would follow him, perhaps because of my personal background as a high school and college high jumper, I thought that I could set the bar even higher and clear this new height during for my time as Law Director. I hoped to improve upon the service of Mike Sr. by, as I called it, institutionalizing the City Law Department. I knew that it was unlikely that another Mike Gareau would come around to serve the City in the future (I obviously was wrong about that), and so my first and foremost task as Law Director was to establish a more permanent structure for the Law Department—in the likely event that less talented, less passionate, less committed law directors headed the Department in the future. Thus, I urged Council in 2002 to create several full-time positions in the Law Department. I did this, not so much to protect competent professional employees—although that is a worthy goal – but more so to protect and preserve institutional memory in the Law Department over the years, so that the wheel would not have to be reinvented every time a new Law Director was elected.

I also endeavored to take a number of other steps to institutionalize the North Olmsted Law Department. I urged the city officials to make office space available at City Hall for the Law Department. While space was not available during my first term, in 2006, Mayor O’Grady made such space available to the Department. Again, I thank him for making that permanent space for the Law Department at City Hall a reality. The thought with having permanent law offices at City Hall was that, whenever any City Hall official had a need for legal advice or guidance, there would almost always be a legal presence on site to provide that advice or guidance as soon as possible.

Other institutionalizing changes were the following. With the help of IT, a Law Department webpage was created on the City’s website. There, helpful information relating to the operations of the Law Department was posted for City officials as well as for the general public to see. Things like a contracts procedure manual—setting forth what procedures must be followed by the City government officials in legally contracting for any good or service; formal legal opinions that address a wide variety of issues of importance to the operations of the City government; annual reports of the Law Department explaining the functions of the Law Department and providing yearly statistics on things such as ordinances prepared; traffic and criminal prosecutions; monies collected; budget items, etc; and other Law Department information such as explanation of the Fair Housing program and the Department’s Victims of Crime program.

At my request, City Council also established an RFP process for personal service contracts, and I followed through with that new process during my two terms to contractually secure through a fair and unbiased review the services of outside counsel in several specialized areas of law. The thought was that, if a need arose for such services, it might well arise very quickly, and the City would be best served if outside counsel were immediately available to serve when the legal emergency hit.

New contract forms, as the Mayor alluded to, were also created for different types of city expenditures and posted on the City’s V:Drive for all city officials to use.

I also attempted to create some new boundaries between the Law Department and other Departments of the City in areas in which the Law Department had historically provided much guidance, but which seemed to me to not be part of the Charter’s central mission of the Law Department—to serve as legal advisor and to represent the City in court. Thus, during my first term I urged the Administration and Council to seek an outside labor

negotiator to represent the City, as employer, in labor negotiations, believing that not only were labor negotiations not part of the Charter duties of the Law Director, but also that the job could be better performed by a person who specialized in such work. I also attempted to lessen the Law Department's direct participation in the areas of service in which the City's two newest departments—Human Resources and Planning – operated. While the Law Department historically under Mike Gareau, Sr., provided a lot of legal advice and other input into personnel and building and zoning matters, it seemed to me that talented non-lawyers heading these departments could best serve the City in day-to-day personnel and building and zoning matters, and much of what they did in these departments was not in the nature of legal work that needed hands-on Law Department involvement.

I also attempted throughout my eight years to provide what I called in my early campaign literature “ahead of the curve” legal advice, so that the City could stay out of court as much as humanly possible. One of the things I learned as an Assistant Law Director over the course of twenty years was that no matter how worthy your cause, no matter how good your evidence, no matter how able your attorney, litigating any case was filled with a high risk of failure, waste of time, and expense to the City, including the possibility of costly judgments. In my opinion, this is what comes with a system that elects most of its judges on name recognition and then dispenses justice by following a complicated set of rules of procedure that tends to favor deep pocket litigants and large law firms.

While there were some accomplishments as noted above during my two terms as Law Director that I hope improved the operations of the City Law Department, there also were glaring failures; shortcomings on my part, which I hope this apology will help my successor and others in city government avoid. These shortcomings were in my people skills – particularly in developing good attorney-client relationships with my municipal clients.

While I am a lifelong Democrat, I ran for office on a campaign promise to serve in a non-partisan manner—that is, to provide the same quality and quantity of legal advice and guidance to City officials regardless of their or my political affiliation. So far so good. But, what I failed to sufficiently appreciate is that we all operate here within a political environment-- all of my clients are political animals, and, while a good Law Director can and should be non-partisan, he or she should never be non-political.

As an avowed non-political Law Director, I failed at times to serve all of you as your attorney as well as I should have. By being overly and overtly non-political, I often at times was insensitive to your needs as politicians, and I often times provided you with legal advice that was either not as well communicated to you as it should have been, or which failed to take into account the politics of an issue. As a result, because I was not sufficiently political in establishing attorney-client relationships, these relationships were often not as productive for either of us over these past eight years as they could or should have been.

I also acknowledge and recognize that I was not as good a manager of the City Law Department as I should have been. Necessarily much of the legal work and guidance that comes out of the Law Department is provided by individuals other than the Law Director—by the City Prosecutor, the Assistant Law Directors, and/or outside counsel. Sometimes even by the Department Secretary or by law clerks. While I certainly endeavored to be a good manager, I found that the job of managing the very talented

legal staff in my Department was for me much like the proverbial herding of cats. I never quite succeeded in the past, and I apologize to all of you if members of my Department did not serve you as well as you and I would have like them to have. The responsibility for those shortcomings lies not with them, but completely with me as the elected official in charge of the Department. And, it is also appropriate at this point of my report that I thank all of those who have served with me in the Law Department over the past eight years— the lawyers, law clerks and the department’s secretary – all who have made invaluable contributions to the Law Department’s mission over those past eight years. I especially want to single out Assistant Law Director, Bryan O’Malley, and Law Department Secretary Vicki Flash, for their tireless efforts working in the Department on a full time basis over these past eight years. And, also to Mike Gordillo and Carole Heyward for the special expertise they brought to the Law Department in the areas of criminal prosecutions and fair housing administration.

Finally, I want to once again thank Mike Gareau Sr. for giving me my start in North Olmsted city government, for his legal guidance and legal training over the years, and for allowing me to serve these two terms as Law Director without doing a Dick Cheney on me. I know that there were many things I did as Law Director the past eight years that must have raised Mike Sr.’s blood pressure at least a few points, but he never publicly criticized anything I did, and did not in any way interfere with my opportunity to serve in the office to the best of my ability. I assure you, Mike Jr., that I will follow your father’s example and not do anything in the future that will interfere with your opportunity to serve the City as Law Director in the manner and way that you best see fit. As I said at the first Council meeting following your election last month, I’ve known you since you were a teenager, and I’ve seen you grow into a fine man, an excellent lawyer, and a good and decent member of this community. The North Olmsted Law Department will be in very good hands with you at its helm on January 1.

Mayor O’Grady said he wants to be on record disagreeing with the need for and with the accuracy of any self criticism that was contained in the comments of the Law Director. He was an outstanding Law Director and it was his honor to serve with him. He thanked Law Director Dubelko for what he has done.

Councilman Gareau thanked Law Director Dubelko for his kind words. He said Mr. Dubelko was an attorney who started with the city showing others how to practice law and how to see the passion with belief, with conviction, with principles, and with professionalism. He said Mr. Dubelko served the city nobly, and he believes that he has much to be proud of and he wishes him the best in his upcoming retirement.

Finance Director Copfer wished Mayor O’Grady and Law Director Dubelko the best in their retirement. She wished everyone a Merry Christmas

Councilman Gareau read his resignation letter, which has been incorporated into these minutes.

This is a letter dated December 15, 2009 to Marie Gallo, Clerk of Council.

In accordance with the Rules of Council and the Ordinances and Charter of the City of North Olmsted, I do formally announce my resignation as Council Representative at-Large for the City of North Olmsted for the term ending December 31, 2011. This resignation is effective December 31, 2009 at 11:59 p.m. I would like to, however, to take a moment and offer some personal reflections if I may. In the past eleven years, many of my Council colleagues have impressed me with their commitment and true professionalism. All have served nobly as the elected officials here have. But, one Council colleague left an indelible impression on my view of public service and I'd like to mention her briefly. Councilwoman Carolyn Kasler passed away nearly four years ago. I want those who did not know her to appreciate that she was a woman of extraordinary courage, faith and strength. Her mere presence in the Council Chamber served as a reminder to me to never forget the important things in life: family, faith and the gift of life itself. Her example proved that life is not about the destination but the journey. We can all learn from her life and her example. It's a lesson I carry to this day. When I began on Council my life was so much different than it is today. The one constant however is the support of my family. This includes my parents, siblings, Karla my wife and my children Jack, William and Elizabeth. I want to thank them for all that they have done. They make the journey worth traveling. I thank the residents of North Olmsted and my colleagues for allowing me the upcoming opportunity in public service. I pledge to you that as your next Director of Law, we will work together professionally to move our City forward. Finally, in the lesson I learned not so long ago from Carolyn: I've enjoyed this journey. I truly have. It's been a wonderful opportunity to serve this community as a member of Council. Thank you for that opportunity.

Councilman Gareau, Chairman of the Finance Committee: The Finance Committee of Council met on the December 8, 2009 at 7 p.m. Present that evening were Council committee members Gareau, Barker and Kearney; Council President Kennedy; Council members Brossard, Jones, Orłowski; Finance Director and Safety Director.

1) Dr. Thomas presented to Council the County proposal to reimburse the city on the order of \$20,000 for costs and expenses related to the POD – point of dispensing – H1N1 Program that the city hosted. The legislation is on the agenda this evening. She requested that it be passed under suspension, and she presented the legislation to Council in advance of this particular meeting so that Council would have better knowledge and be more comfortable passing it.

2) 2009-135 is an Ordinance to make and transfer appropriations for current expenditures for the City of North Olmsted for the year ending December 31, 2009. The purpose of this is to rebalance the funds that have needs that are not being met financially but where other revenue is available. This legislation shifts and transfers in order to make up for those deficiencies. There was a motion made at a prior meeting to hold it in committee by Councilman Gareau and seconded by Councilman Kearney, which passed 3-0. That was held in committee until December 15, 2009. There were a number of amendments mentioned at the December 8 meeting with a request to suspend the rules. He will report on that in a moment.

3) 2009-139 is an Ordinance to make appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2010. Council will be required to appropriate funds and satisfy the city's obligations for the

beginning of the year 2010. Finance Director Copfer presented to Council the general idea that the budget would be one quarter of the general fund budget for 2009, so for whatever amount of money was appropriated for 2009 they would use the one quarter rule in order to be able to appropriate that much for 2010. That would allow the city time to prepare an appropriation ordinance which would establish the total appropriations for the year 2010. There was a motion made by Councilman Gareau, seconded by Councilman Barker to recommend approval of 2009-139 under suspension. There was a vote of 3-0 to recommend approval with suspension.

4) 2009-140 is a Resolution authorizing the Mayor to enter into a contract with the State Auditor and Ciuni & Panichi, Inc., Certified Public Accountants, providing for the latter to serve as independent public accountants for the State Auditor's annual audits of the City of North Olmsted for the years 2009 through 2013, and declaring an emergency. The Finance Director presented to city Council that this is the standard proposal that would come forward from the State Auditor's office which requires the city to have auditors in place. The auditor was selected competitively with a recommendation from the State Auditor that they city enter into an agreement with this particular individual to serve as an independent public accountant on behalf of the State of Ohio. It was publicly chosen through an RFP process, evaluated and recommended. Gareau made a motion to recommend approval, and the motion was seconded by Councilman Barker and passed 3-0.

There was a Finance Committee meeting this evening, December 15, 2009 at 7:15 p.m. to discuss 2009-135 which is an Ordinance to make and transfer appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2009, as amended. He is going to include the work paper as an amendment to the Ordinance because there are a number of issues that need to be addressed. The committee recommended approval by a vote of 2-0. Councilman Barker was not yet in attendance.

Councilman Gareau made a motion to amend 2009-135 to include those amendments which were set forth in the work paper. The motion was seconded by Councilman Kearney and passed unanimously. 2009-135 amended.

Councilman Barker, Chairman of the Building, Zoning and Development Committee wished Mayor O'Grady and Law Director Dubelko the best of luck in their future endeavors. It was a pleasure serving with both of them. He apologized for not being at the Finance Committee meeting this evening. There was a BZD meeting December 2, 2009 at 7:00 p.m. in Council Chambers. The meeting will be rescheduled because some residents who were told they were going to be notified were not. There will be a BZD meeting on December 22, 2009 at 7 p.m. in Council Chambers. The Clerk has located the list of residents, and notices will be sent as a courtesy.

Councilwoman Jones, Chairwoman of the Streets and Transportation Committee: The Streets and Transportation Committee met on Tuesday, December 8, 2009 at 8:00 p.m. Present were committee members Jones and Kearney, Council President Kennedy, Council members Brossard, Orłowski, Barker and Gareau. The committee met to have an informal discussion regarding the street survey which is done every year. Service

Director Limpert and Assistant City Engineer Collins brought before the committee the street survey that was completed as of December this year. They informed Council of the method used to determine the rating the streets. The preliminary list of streets to be completed next year was reviewed by Council. This meeting was an informal discussion about the completion of the survey and the main legislation regarding the bids for the street projects for 2010 will be coming before Council in a few months.

President Kennedy said Council received ten resumes for Michael R. Gareau, Jr.'s Council seat. The Clerk of Council will be calling the people that applied to set up interviews. The interviews will be Tuesday, December 29, 2009 starting at 6:45 p.m.

AUDIENCE PARTICIPATION

Dennis Lambert, 25057 Carey Lane, said one of the first things Jim Dubelko stated to Council when he came on was that he was going to respect the separate powers and he was going to use his law department as it was intended to – as a recommending body to those that were seeking advice and to protect the city's interest and he held true to that. He said he doesn't think any human being needs to apologize for being human. He thanked the Mayor for his service to the community.

Stephanie Evans, 5068 Douglas Drive said she's been a resident of North Olmsted for twenty five years and never had a reason to previously address city Council. She's here to address current and future city Council members about issues at the Recreation Center. Their group recently purchased a \$3000 record board to be installed at the pool. While the board has been installed, the whole process was not smooth at all. Phone calls were rarely returned. E-mail responses were accusatory and disrespectful. The booster group has made significant improvements to the pool facility at the Recreation Center. They have also purchased training equipment and additional training time for athletes. Gate revenue from their swim meets provides income to the City of North Olmsted. Their swim and dive parent boosters have two goals: support our athletes and advance the recognition of the sport of competitive swimming. The booster group aspires to work with the incoming administration on making the Recreation Center the asset it should be.

President Kennedy thanked Ms. Evans and requested that she forward him the E-mail she referenced. Mayor O'Grady said she is entitled to respectful treatment and she is entitled to have her issues dealt with professionally. He told her to elevate her concerns to the office of the Mayor if that happens again. He requested documentation that she referenced.

Matt Peters, 32869 Sorrento Lane, Avon Lake said he comes as a member of the North Olmsted Firefighters Local. The SAFER grant deadline is December 18 at 5 p.m. It's been publicly stated by the Mayor and Administration that the city will be applying. He asked if the application has been made and what is the number of firefighter positions that they are applying for. This is a no cost grant for two years. Mayor O'Grady said the city has not yet applied for the SAFER grant. There are stipulations within the grant that

did not exist previously that would limit the city. Discussions are going on within the city to determine whether or not it's in the best interest of our citizens to move forward. At this time, no decision has been made. Mr. Peters said for two years the federal government is offering to pay for in full salary and benefits for up to five firefighter positions – the same five firefighter positions that were laid off as of January 1st. Mayor O'Grady said it was the stated purpose of this Administration that the SAFER grant would be used to retain firefighters that are currently on duty, not to bring in new ones. The SAFER grant doesn't currently allow the city to use those dollars to retain. Mr. Peters said so the layoffs were not about money; they were about the size of the department. Mayor O'Grady said he won't address those distortions. Mr. Peters said he doesn't want to make a distortion out of it. He asked Mayor O'Grady to give the future Administration the ability to accept that grant. Mayor O'Grady said it was within Mr. Peters' power to ensure those layoffs that occurred at the end of last year never happened. Mayor O'Grady asked Mr. Peters to look at the current international fiscal situation and understand that cities are trying to get by and they're struggling and they need concessions. They need concessions from their employees because that's the largest percentage of costs to taxpayers. Mr. Peters said he will forward an E-mail to Council as a way to send letters of support in favor of the grant if it is applied for. Concessions are part of keeping the current firefighters here. The grant can bring the other firefighters back and improve service and safety levels.

Mike Platko, 4049 Dryden Drive said he wants to reinforce what Ms. Evans says. His daughter is also on the high school swimming/diving team. He has had similar problems with the Recreation Center, particularly with Mr. DiSalvo and also with Mr. Dailey. Back in September he E-mailed asking for repairs and if repairs were done on the diving board. On November 28th at the first meet, he got a call from the coach who was looking for a nut and bolt and wrench to fix the diving board that he was told was going to be repaired. He hopes the incoming Administration looks hard at the Recreation Department. It was embarrassing at the alumni meet. The lights were off. The ticket booth was dark. There was the attendant sitting on the side with the lights off sleeping in the chair like a homeless person. It was an embarrassment for North Olmsted. He thinks somebody ought to look into it and see what's going on because something isn't right.

Mayor O'Grady said he appreciates Mr. Platko's comments and requested the E-mails he referenced. He told Mr. Platko that the next time it happens, elevate it to the Mayor's office. Council President Kennedy asked Mr. Platko to forward the E-mails to him and Mayor O'Grady.

Terry Groden, 25211 Chase Drive personally thanked Mayor O'Grady and Law Director Dubelko for their service to the City of North Olmsted, and he wished them all the best in their future endeavors. He looks forward to the interviews for Gareau's vacant seat. He recommended Pat Kelly for the vacancy. He wished Kennedy, Gareau, and Limpert all the best as they move into their different positions next year. He looks forward to continuing to work with them and everybody, especially in his new position starting in 2010.

President Kennedy thanked Mr. Groden and said he looks forward to working with him. Councilman Gareau thanked Mr. Groden and wished him luck.

LEGISLATION

Ordinance 2009-135 introduced by Mayor O'Grady was given its second reading. An Ordinance to make and transfer appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2009, as amended. Councilman Gareau made a motion to suspend the rule requiring three readings as it is necessary to have these transfers immediately before the end of the year. 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. Ordinance 2009-135 adopted.

Ordinance 2009-139 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, 2010. Councilman Gareau made a motion to suspend the rule requiring three readings. 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. Ordinance 2009-139 adopted.

Resolution 2009-140 introduced by Mayor O'Grady was given its second reading. A Resolution authorizing the Mayor to enter into a contract with the State Auditor and Ciuni & Panichi, Inc., Certified Public Accountants, providing for the latter to serve as independent public accountants for the State Auditor's annual audits of the City of North Olmsted for the years 2009 through 2013, and declaring an emergency. Councilman Gareau made a motion to suspend the rule requiring three readings. 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 2009-140 adopted.

Ordinance 2009-142 was introduced and placed on first reading by Councilman Gareau. An Ordinance amending Section 137.01 (Composition) of Chapter 137, entitled "Department of Law" of the Administrative Code, in order to abolish the position of full-time Assistant Director of Law and create two new part-time Assistant Director of Law positions, and declaring an emergency.

Ordinance 2009-143 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 change the salary ranges and titles for the Assistant Director of Law; eliminate the positions of Custodial Supervisor under Springvale, School Guards and off-duty Electrical Maintenance under Police; and to otherwise state the compensation rate ranges reflecting no increase from 2009 for said various administrative and legislative personnel for the year 2010, and declaring an emergency.

Resolution 2009-144 was introduced and placed on first reading by Mayor O'Grady. A Resolution authorizing the Mayor to enter into a contract with the Cuyahoga County Board of Health to receive funds for the H1N1 mass inoculation clinic activity, and declaring an emergency. Councilman Gareau made a motion to suspend the rule requiring three readings to receive the reimbursement as quickly as possible. 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 2009-144 adopted.

Ordinance 2009-145 was introduced and placed on first reading by Councilman Brossard on behalf of himself and Councilwoman Jones. An Ordinance amending Sections 505.01 and 947.01 of the North Olmsted Codified Ordinances in order to permit responsible persons to walk dogs on a leash in North Olmsted and Clague City Parks.

Resolution 2009-146 was introduced and placed on first reading by Mayor O'Grady. A Resolution approving of and authorizing the Mayor to enter into a collective bargaining agreement with the Ohio Patrolmen's Benevolent Association for the City's Dispatchers for the period January 1, 2009 through December 31, 2011, and declaring an emergency. Councilman Gareau made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Barker and passed unanimously.

Dennis Lambert, 25057 Carey Lane said this Resolution authorizes the Mayor to enter into an agreement for the next contract for the police department. Council President Kennedy informed Mr. Lambert that this Resolution is regarding the dispatchers, not the police. Mr. Lambert apologized and withdrew his comments.

Councilman Gareau moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution 2009-146 adopted.

Resolution 2009-147 was introduced and placed on first reading by Mayor O'Grady. 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.

Resolution 2009-148 was introduced and placed on first reading by Mayor O'Grady. 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.

Resolution 2009-149 was introduced and placed on first reading by Mayor O'Grady. A Resolution authorizing the Director of Public Service to purchase a Sewer Jet Truck for the Wastewater Treatment Plant through the State Purchase Program and to trade in Truck No. 5 in conjunction with said purchasing, and further authorizing the Mayor to execute all documents necessary to effectuate such purchase.

Resolution 2009-151 was introduced and placed on first reading by Councilwoman Jones on behalf of herself and Councilman Kearney. A Resolution opposing any pay increase in 2010 for Congressional Representatives of the United States of America and declaring an emergency. Councilwoman Jones made a motion to suspend the rule requiring three readings as Congress is currently considering this issue. The motion was seconded by Councilman Kearney and passed unanimously. Councilwoman Jones moved for adoption. The motion was seconded by Councilman Kearney. Roll Call: Jones, yes with comment. On behalf of myself and Mr. Kearney, I would like to thank resident Don Pangrac for bringing this issue to our attention at our last Council meeting. After we explored the issue a little further, we did realize that indeed Congress is considering letting a pay increase for 2010 for members of the U.S. Congress. Having gone through what our city has gone through over this past year watching employees not only be laid off but many employees also getting reduced benefits, our residents here losing their jobs, and our elderly residents who are on social security not seeing an increase in their benefits for this coming year – I cannot in good conscience see how our members of U.S. Congress can go ahead and increase their pay at a time when our country is going through this. So, therefore, my vote is yes. Roll Call continued: Kearney, yes; Gareau, no with comment. I thank Mr. Pangrac for bringing the matter forward. I thank my colleague, Nicole, for also having the insight to look into the issue. However, as I have historically done, I have voted no with respect to Resolutions such as these – not because I happen to believe our Congressmen and women deserve a pay raise, perhaps they don't, so my vote is no not because of the merits, merely because I do not have faith in the Resolution and its value. Roll Call continued: Orlowski, yes; Brossard, yes; Barker, yes with comment. As many of you know, I usually don't vote in favor of Resolutions either, but I think this is a good Resolution. Not only are city employees, but most every resident in North Olmsted is going through some type of sacrifice due to this economy. I know I am. I know some of my colleagues are. So, that's why I'm voting for this Resolution. My vote is yes. Resolution 2009-151 adopted 5-1.

MISCELLANEOUS BUSINESS

Councilman Barker scheduled a BZD meeting for 7:00 p.m. on Tuesday, December 22, 2009 to discuss Ordinances 2009-63, 2009-64, 2009-86, and 2009-100 all of which are related to the Wind Turbine Overlay District. The meeting will be held in Council Chambers. The Planning Director and Assistant Law Director are asked to attend.

On behalf of Councilman Mahoney, Councilwoman Jones scheduled a Recreation, Public Parks and Buildings Committee meeting for 8:00 p.m. on Tuesday, December 22, 2009 to discuss Ordinance 2009-145. The Safety Director and Animal Warden are asked to attend.

Councilman Gareau scheduled a Finance Committee meeting for 8:15 p.m. on Tuesday, December 22, 2009 to discuss 2009-142, 2009-143, 2009-147, 2009-148 and 2009-149. The Planning Director, Safety Director and Service Director are asked to attend.

Council President Kennedy scheduled a Committee of the Whole meeting for 6:45 p.m. on Tuesday, December 29, 2009 to interview candidates for Michael R. Gareau, Jr.'s soon to be vacant at-Large Council seat.

Council President Kennedy announced that a Special Council meeting will be held Tuesday, December 29, 2009 at 6:30 p.m.

Councilman Kearney made a motion to excuse Councilman Mahoney from the Council meeting of December 15, 2009. The motion was seconded by Councilman Gareau and passed unanimously. Councilman Mahoney excused.

With the agenda being completed and there being no further business to come before Council, President Kennedy adjourned the Council meeting at 9:27 p.m.

Marie Gallo, Clerk of Council

Kevin M. Kennedy, President of Council