

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE CITY OF NORTH OLMS TED
JANUARY 5, 2010**

Present: President of Council Limpert, Council Members Barker, Brossard, Dailey Jones, Kearney, Mahoney, Orłowski.

Also Present: Mayor Kennedy, Law Director Gareau, Finance Director Copfer, Clerk of Council Gallo.

President Limpert 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.

The minutes of the Council meeting of December 15, 2009 were approved as written. Councilman Mahoney abstained from approval of the minutes since he was absent from the December 15, 2009 Council meeting.

President Limpert said he'd like to just take a moment to address Council. He's been involved with the city in capacities at city hall for sixteen years. He thought the last Council was probably one of the best he's ever seen as far as working together and trying to have the city's best interest for the long haul. There is a lot of history in this room. Law Director Gareau is the son of a former Law Director; grandson of a former Mayor. Mayor Kennedy's father was a firefighter. There are many multi-generation people here. President Limpert displayed a board with pictures and articles from the Kiwanis. He said they used to run what they call "Home Days", and this is from 1939. Pictured were adults that were interested in making it a better community. There were kids. There were business owners. And, there were kids with ice cream. He pointed out that Mayor Kennedy's father, Jackie, was pictured at two years old. He asked Council to take a look at this and in the next four years with each vote taken, ask themselves "what will be the effect on the community in the long haul?"

Councilman Barker made a motion to approve the Rules of Council. The motion was seconded by Councilman Orłowski and passed unanimously. Rules of Council adopted.

President Limpert asked for a motion to approve the President Pro-tem. Councilwoman Jones nominated Councilman Orłowski to be President Pro-tem. The nomination was seconded by Councilman Kearney and passed unanimously. Councilman Orłowski selected as President Pro-tem.

President Limpert announced that no legislation will be considered for passage under suspension of the rules this evening.

REPORTS

Mayor Kennedy: 1) The Committee of the Whole met Tuesday, December 29, 2009 at 6:45 p.m. Present were Council President Kennedy, Council members Barker, Kearney, Orłowski, Jones, Brossard, and President-elect Limpert. On the agenda was interviewing candidates for the vacant at-Large Council seat. Nine candidates were interviewed that night:

Angela Williamson, Tim Smith, Chris Scarl, Tom Phillips, Jeff Peepers, Pat Kelly, Ed Garrity, Marisa Conway, and Gail Bisesi.

The candidates all interviewed. He was very impressed with all of them. Any one of them would do a fantastic job. He's looking forward to the vote tonight and welcoming the new Council person. President Limpert we will be voting on the new Council member after audience participation this evening.

2) He's thrilled, humble and excited to be the next Mayor. They started the process when elected with a transition team they put into effect. The transition team was made up of Mayors of other cities, elected officials in North Olmsted and business people. The point of the transition team was to look at structure of government and to re-interview people at the Director-level position. He nominated for reappointment the Planning Director Kim Wenger, Human Resources Director Cheryl Farver, and Safety Director Dr. Lisa Thomas. He asked Council to make a motion to reappoint those Directors.

Councilman Barker made a motion to approve the appointments of Mayor Kennedy of Planning Director Kim Wenger, Human Resources Director Cheryl Farver, and Safety Director Dr. Lisa Thomas. The motion was seconded by Councilman Orłowski and passed unanimously. Appointments of Planning Director Wenger, Human Resources Director Farver, and Safety Director Thomas approved.

3) He's thrilled to announce the selection of his Administrative Assistant, Jane Leaver. Jane comes from Medina where she was a two-term Mayor. She brings a wealth of knowledge from outside the city.

4) A special thanks to the Service Department and all of the hard-working people out there who have made our streets clean and safe during this snow storm. They are appreciated and they've done a great job.

5) Preliminary information is becoming available regarding 2009 calls for service within the Department of Public Safety. The Building Department issued 1,710 permits in 2009 as compared to 1,846 in 2008. That's a seven percent decline. The Division of Youth Services held 162 diversion hearings in 2009, a fifteen percent decline from 2008. Criminal activity continues to decline. Specifically burglaries, criminal damaging and assaults. Fire calls are down two percent from 2008 figures, and EMS information is not

yet available. More information will be provided as soon as year-end reports are received and reviewed.

6) The Division of Youth Services Traffic Diversion Program is moving forward. Cuyahoga County's Juvenile Court is currently reviewing Magistrate applications. A decision should be made within the next two months. Once the Magistrate is selected, hearings will be scheduled.

7) The "No Texting While Driving" signs have been posted on the city's borders.

8) There is no decision from the Fact Finder regarding Local 1267 of the Firefighters Union and the City. Briefs for both parties were due on December 4, 2009, and a decision is expected within the next couple of weeks.

9) The Certificate of Occupancy for Harry Buffalo will be issued this week by the Building Department, and the restaurant should open within the next two weeks.

10) The Planning Department will be pursuing a number of grants in early 2010. Legislation will be introduced at the next Council meeting for a Certified Local Government Grant, a Community Recycling Awareness Grant, and a Surface Water Improvement Fund Grant. Work on projects for which grants have already been received will commence this month including the Senior Center and Campus ADA Improvement Projects and intersections studies through NOACA.

11) In support of green technologies, a new Zoning Code chapter will be introduced to allow for and regulate solar energy systems in North Olmsted.

12) The AFSCME Clerical and Technical Union rejected the city's last proposal. Management has sent a letter to SERB, State Employment Relations Board, requesting a list of Fact Finders. Once the list is provided, management and labor will select the Fact Finder and schedule the hearing.

Law Director Gareau: 1) He's pleased to announce that Mr. Bryan O'Malley and Ms. Carole Heyward will continue to serve as Assistant Directors of Law in the City of North Olmsted. He thinks each brings with them enthusiasm and commitment and experience to their respected positions. He's also pleased to announce that Mr. Michael Gordillo will continue to serve as the Prosecuting Attorney in the Law Department. He is very well regarded and very well respected in the court process in Rocky River by the judges and by the fellow prosecutors. Mrs. Annie Kilbane has joined Bryan, Carole, and Michael in the Law Department as our Secretary. She has a strong history here in the City of North Olmsted; a strong history of public service within the building. He thinks her organizational skills, her dedication, and her institutional knowledge will serve them very well. He reminded Council and those here in attendance that with the exception of the secretary position, all positions within the Department of Law are designated as part-time positions. They intend to monitor the activities in the Law Department in the coming weeks and months to make adjustments if needed depending upon demands for

service. While they are conscientious of budgetary constraints, they are desirous of ensuring a high level of service to Mayor Kennedy, the Administration, and members of Council and Boards and Commissions consistent with what they've received in the past.

2) On December 15, he had the occasion to work with Mayor-elect Kennedy and discuss the issue of Charter and statutory requirements for filling vacancies for the five Director positions starting January 1, 2010. The advice established that we have all five positions – Service, Safety, Community Life Services, Planning, and Human Resources – and those positions should be staffed within a reasonable period of time after taking office. The advice further directed that pursuant to Charter constraints that one position could not be held by more than one individual in absence of additional legislation and Charter amendments. He did advise that the appropriate avenue to take care of that is to move forward with legislation to address Charter amendments which would need to be approved by the residents.

3) On December 31, he had the occasion to advise City Council, President-elect Limpert and Mayor-elect Kennedy on matters concerning the beginning of 2010 in January. This included identifying various Boards and Commissions that had vacancies. He wanted to clarify for the benefit of Council the process to be used for filling the vacancy of the at-Large position. He also advised that they need to re-adopt the Rules of Council which has been taken care of tonight. He also advised that the Pro-tem position should be taken care of pursuant to Rule of Council tonight. They are required to have an Organizational meeting not later than the second meeting in January for the purpose of Council establishing itself and the various committees that need to be filled.

4) He wished everyone a very happy New Year 2010. He wished Mayor Kennedy and the City Council the best of success in 2010. He fully supports Mayor Kennedy's initiatives to streamline government, to eliminate redundancy, and to provide services in what is the most efficient means possible. He commends Kennedy for taking a leadership role in that capacity. He looks forward to working with Kennedy and Council by crafting necessary legislation to effectuate change and achieve those objectives.

Finance Director Copfer: 1) First, she wished everyone a happy New Year and she hopes that this is a prosperous, healthy New Year for everyone during these difficult times.

2) She welcomed Mayor Kennedy and Law Director Gareau, and she looks forward to working with them.

3) She received final Schedule A from the County which has the 2010 estimated resources for property tax collections. The general fund estimated resources is \$437,000 lower for 2010 from the 2009 estimates. That's only a 7.8% decrease versus the 10% that was originally estimated by the County. This equates to a little over \$100,000 more than originally projected. Police and fire pension funds which also is funded by a .3 millage each was estimated to be requiring an additional expenditure in the general fund to \$50,000, but because of that lesser decline, it's only going to be \$40,000. The negative side is local government funds are projected to be reduced by nearly the same amount

resulting in a wash. The local government fund received from the County is projected to be reduced by about \$117,000 for 2010. The estate taxes that have been processed are in the process of collection which ends at the end of February. That will be included in the estimated resources. It's down a little bit from last year at this time.

4) She received notice today from Allied Waste that the State increased the landfill disposal fee - \$1.25 per ton - last July. They have not been billing the city this in 2009, but they will begin to bill this in February 2010. The Solid Waste and Recycling Fund is an additional \$.15 per household to North Olmsted, and that equates to about \$19,000 or \$20,000 a year additional expenditure out of that fund.

And, that concludes my report.

Councilwoman Jones asked Ms. Copfer if she saw the article in the Cleveland Plain Dealer a few days ago outlining the Regional Prosperity Initiative. Copfer said she did not, and Councilwoman Jones said she would give her a copy.

Councilman Barker, Vice-Chairman of the Finance Committee: Said they need to do an amendment to Resolution 2009-149. Mr. Gareau reported out on this at the last Special Council meeting. They're going to remove the second Whereas clause because they don't have the funds appropriated for it as of yet. This is a Resolution seeking a price for a GAPVAX truck for the Wastewater Treatment Plant.

Councilman Barker made a motion to remove the second Whereas clause and replace Service Director with Mayor throughout Resolution 2009-149. The motion was seconded by Councilman Orłowski and passed unanimously. Resolution 2009-149 amended to remove the second Whereas clause and insert Mayor where Service Director was.

Councilman Barker, Chairman of the Building, Zoning and Development Committee: The Building, Zoning and Development Committee met on December 22, 2009 at 7:04 p.m. to discuss Ordinances 2009-63, 64, 86 & 100. Present at this meeting were Committee members Barker, Gareau and Jones; Council members Brossard, Kearney and Orłowski; Planning Director Wenger and Assistant Law Director O'Malley.

1) Ordinance 2009-63 is an Ordinance creating a new Chapter 1153 (Wind Energy Conversion Systems) of the North Olmsted Zoning Code in order to permit and establish regulations for the use of wind energy conversion systems (WECS) in the City of North Olmsted. Ordinances 2009-64, 86 & 100 are to provide for the amendment of the Zone Map of the City of North Olmsted in order to supplementally zone the hereinafter identified parcels of real property so as to include them within the wind energy overlay district ("WEOD") of the City of North Olmsted.

To give a little history regarding Ordinances 2009-63 & 64 they were originally introduced May 19, 2009. They were then sent to the Planning and Design Commission. While in the Planning and Design's hands it went through meetings June 10, July 8 and approved by Planning and Design the August 12. 2009-63 & 64 then came back to Council and there was a Public Hearing for these two Ordinances on the August 25.

Ordinance 2009-86 was introduced August 4 and 2009-100 on September 1. There was a Public Hearing for those on the October 27.

BZD meetings were set up for all four Ordinances for the December 2 and December 22. The December 2 meeting was a good and informal meeting and we went over all of the amendments suggested by the Planning and Design Commission. Ordinance 2009-63 creates a new Chapter for wind conversion. Some of the reasons for this new Chapter are: Respond to changes in technology. The City's zoning code is often revised and updated to reflect new types of development and new technologies not contemplated when the zoning code was initially drafted.

Be prepared. The federal government and the State of Ohio are setting benchmarks for the incorporation of renewable, alternative energy sources at a utility scale. They are also providing incentives for its use on a smaller scale and local level.

Public and private benefit. Benefits to the community include reduced pressure on the local electric grid, reduced pollutants from traditional energy sources, increased local energy independence, reduced peak energy demand, and increased choices for residents. Benefits to the property owner include personal energy independence, free electricity after recouping costs, reliable electricity, enhanced property values, and promoting sustainable energy choices.

With the many meetings held there was great resident attendance. Many of the ideas that came from the audience participation have been incorporated into this Ordinance. Some of the highlights are as follows.

- 1153.01 Reinforce in the Intent that the process outlined in the Chapter is required
- 1153.02 Eliminated references to maximum wattage for small, medium and building integrated WECS
- 1153.03 Allow flexibility for different types of WECS design, subject to PDC review; link noise standards to Noise Control Chapter; more explicitly describe requirements for braking systems
- 1153.04/5 Establish minimum development area rather than minimum lot size
- 1153.06 Clarify the different design possibilities and review procedures for building integrated WECS
- 1153.07 Clarify Landmarks Commission review for WECS proposed in a historic district; show location of easements; require certification of independent testing agency; require submission of maintenance plan and annual maintenance reports; specify amounts of liability insurance for small and medium WECS
- 1153.08 Impose cost of removal of WECS on applicant through bond

We expected a good turnout for our December 2 meeting and we had two residents attend, due to an oversight on his part. He overlooked having notices sent to the residents who had attended the Public Hearing in August. Although he felt they were ready to recommend approval of this Ordinance, they held it in Committee and had the second meeting December 22, making sure notification was sent to the list of people from the public hearing. He is enclosing that list and attendance list with this report for the public record. They discussed a few more items from the previous meeting and he then made a motion to recommended approval of Ordinance 2009-63 creating a new Chapter 1163 Wind Energy Conversion Systems with the amendments proposed and amended by the

Planning and Design Commission plus the addition of the words (for small and medium WECS) after the word insurance under section 1153.07(b)(6) concerning liability insurance was made and seconded by Mr. Gareau and the vote was 3-0 for approval.

He then made a motion to recommend approval of Ordinances 2009-64, 86 & 100 which are Ordances amending the zone map of the City of North Olmsted to supplementally zone identified parcels of real property to include them within the wind energy overlay district which was seconded by Mr. Gareau and the vote for that was also 3-0 for approval.

Councilman Barker made a motion to approve Ordinance 2009-63 as amended by the Planning and Design Commission as well as the addition of the words for small and medium WECS after the word "insurance" under Section 1153.07(b)(6) concerning liability insurance. The motion was seconded by Councilwoman Jones and passed unanimously. Ordinance 2009-63 approved as amended.

Councilman Barker made a motion to approve Ordinances 2009-64, 2009-86 and 2009-100. Gareau asked Barker if the motion was to approve or to amend. Barker said to approve. Gareau said they are not on the agenda so we won't be approving them this evening. President Limpert said those will need to be placed on the agenda for approval. Gareau said to put them on the agenda for the next meeting.

Councilman Barker thanked the previous Administration, Mr. O'Malley, and especially Kim Wenger for their work on this legislation.

Councilwoman Jones, Vice-Chairwoman of the Recreation, Public Parks and Buildings Committee: The Recreation, Parks and Buildings Committee met on December 22, 2009 at 8 p.m. Present were Committee members Brossard and Jones, Council members Barker, Orlowski, Gareau, and Kearney; the Service and Safety Directors; and the Animal Warden. They met to discuss Ordinance 2009-145 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. The Committee, Council, and guests had a lengthy discussion about the new Ordinance that came forward. Some additional recommendations were made. The committee voted 2-0 to hold it in committee. The sponsors of this Ordinance are going to be conferring with their fellow Council members and the Law Department to make some additional changes; some more recommendations and bring that back to committee very shortly. The meeting ended at 8:22 p.m.

AUDIENCE PARTICIPATION

No comments from the audience.

Nominations for the Appointment to Council

President Limpert opened the floor for nominations for the vacant Council at-Large position.

Brossard nominated Chris Scarl for the vacant Council at-Large position
Jones nominated Tim Smith for the vacant Council at-Large position
Kearney nominated Angela Williamson for the vacant Council at-Large position

Roll Call: Jones, Tim Smith; Kearney, Angela Williamson; Orlowski, Chris Scarl;
Brossard, Chris Scarl; Mahoney, Angela Williamson; Barker, Angela Williamson

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Roll Call: Orlowski, Angela Williamson; Kearney, Angela Williamson; Brossard,
Chris Scarl; Barker, Angela Williamson; Jones, Tim Smith; Mahoney, Angela
Williamson

President Limpert said there are four votes for Angela Williamson. He said there will be a brief swearing in at 6:30 p.m. on Tuesday, January 12, 2010. Councilman Barker requested that Angela Williamson stand and be recognized.

LEGISLATION

Resolution 2009-149 introduced by Mayor O'Grady was given its second reading. A Resolution authorizing the Mayor to purchase a GAPVAX Sewer Jet Truck for the Wastewater Treatment Plant through the State Purchase Program and to trade in Truck No. 58 in conjunction with said purchasing, and further authorizing the Mayor to execute all documents necessary to effectuate such purchase, as amended.

Resolution 2010-1 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor to advertise for bids for a one year contract (with an additional automatic one year extension) for laboratory analytical services for the Wastewater Treatment Plant, as per specifications on file and, upon approval by the Board of Control, further authorizing the Mayor to enter into a contract for same with the lowest and best bidder, and declaring an emergency.

Resolution 2010-2 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor to advertise for bids for diesel fuel and gasoline

products for use by the City of North Olmsted, as per specifications on file, and authorizing the Mayor to contract for the same, and declaring an emergency.

Resolution 2010-3 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor to enter into a one year extension of the agreement with Senior Transportation Connection (STC) for the provision of motor fuels used in the operation of transit bus services.

Resolution 2010-4 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor to enter into a Memorandum of Understanding ("MOU") Agreement with the Cuyahoga County Soil and Water Conservation District ("SWCD") to provide the City of North Olmsted with Minimum Control Measures 1 & 2 in accordance with the requirements of National Pollutant Discharge Elimination Systems ("NPDES") Phase II.

MISCELLANEOUS BUSINESS

Council President Limpert announced that there will be a swearing-in ceremony for Angela Williamson at 6:30 p.m. on January 12, 2010.

President Limpert scheduled a Committee of the Whole meeting for 7:00 p.m. on Tuesday, January 12, 2010 for an organizational meeting of Council to select members for committees, boards, and commissions.

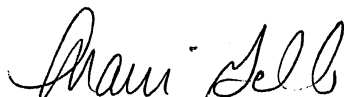
President Limpert scheduled a Public Safety, Health & Welfare Committee meeting for 7:30 p.m. on Tuesday, January 12, 2010 to discuss two liquor permits.

President Limpert scheduled an Environmental Control/Finance Committee meeting for 7:35 p.m. on Tuesday, January 12, 2010 to discuss Resolutions 2010-1 & 2010-4

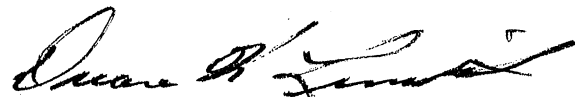
President Limpert scheduled a Finance Committee meeting for 7:50 p.m. on Tuesday, January 12, 2010 to discuss Resolutions 2010-2 & 2010-3.

Law Director Gareau reminded Council that President Limpert is now a member of the Ethics Commission and Mr. Barker is still on the Ethics Commission. There is a requirement that an Ethics Commission meeting be scheduled sometime in January for purposes of organization. An at-Large representative needs to be chosen.

With the agenda being completed and there being no further business to come before Council, President Limpert adjourned the Council meeting at 8:39 p.m.



Marie Gallo, Clerk of Council



Duane K. Limpert, President of Council