

**MINUTES OF THE MEETING OF THE COUNCIL  
OF THE CITY OF NORTH OLMSTED  
FEBRUARY 2, 2010**

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

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.

Council President Limpert announced there will be a special Council meeting Tuesday, February 9, 2010 at 7:30 p.m.

The minutes of the Council meeting of January 19, 2010 were approved as written.

President Limpert announced that the following legislation would be considered for passage under suspension of the rules: Second Reading – Resolutions 2010-6 and 2010-7, Ordinance 2010-13 and Resolution 2010-14.

**REPORTS**

Mayor Kennedy:

- January 21, 2010 was the State of the City Address sponsored by the Chamber of Commerce and held at the Radisson. It was reported it was the biggest crowd ever to attend which indicates there are a lot of people interested in the State of the City.
- On January 22, 2010 he toured the Police Station and met with Chief Wozniak about police issues and also met that day with the Powerhouse Gym right across the street. One of the big campaign issues as he campaigned was the fact that the Recreation Center doesn't have a weight facility or fitness center. He is working with Powerhouse Gym on possibly providing the residents of North Olmsted some sort of deal. Their Grand Opening is Saturday February 13.
- He also took the Service guys out for pizza on January 22 for their fine job in snow removal.
- Since the last Council meeting, he has been working on filling the vacant positions on the city's boards and commissions. He has appointed Diane Dargaj

- to the Civil Service Commission and has forwarded additional names to city Council for confirmation to other positions. All nominations for vacancies should be completed by the next Council meeting.
- The City's FMLA (Family Medical Leave Act) Policy has been revised by the Human Resources Department and reviewed by the Law Department to comply with recent federal changes concerning military personnel. The revised policy will be distributed to City employees within the next week.
  - As part of the City's Wellness Program, the third session of Weight Watchers begins next week. Sixteen employees have currently enrolled in the program.
  - Mediation with AFSCME Clerical/Technical is scheduled for February 17. If a mediated settlement is not reached, then a Fact-Finding hearing will be held February 19.
  - Construction activities for ADA improvements at the Community Cabin began this week and will continue through mid-March.
  - The City of North Olmsted was successful in its grant application for the NOACA Links program. City and NOACA staff will meet this week to begin work on the two intersection studies for Lorain - Brookpark Roads and Lorain - Porter - Butternut Ridge Roads.
  - The Planning and Design Commission approved the Great Northern Multi-Modal Transportation Plan at their January 27 meeting.
  - In light of the decline of new construction and investment in new development projects, the Building Department inspectors will be trained to conduct engineering inspections. The City Engineer is working with the Building Commissioner to write the duties and responsibilities of the position and will conduct field inspections with the building inspectors as part of the training. Several building inspectors had previous engineering inspection experience while others hold state certifications that will make the job more familiar. In January, 58 building and mechanical permits were issued with the majority of them being small jobs such as roofs, sheds and fences.
  - On Monday, February 1, the Cleveland Plain Dealer published a story about an increase in residential burglary in Cleveland and within the eastern suburbs. For the year 2009, residential burglary dropped 23% in North Olmsted from a reported 60 cases in 2008 to 46 cases in 2009.
  - Lieutenant Steve Wolf has announced he will retire effective February 14, 2010. Lieutenant Wolf has been with the Police Department since February of 1978, and we wish him well on his new endeavors.
  - President Obama travelled through North Olmsted along I-480 on Friday, January 22 without incident.
  - The Fire Department has reported that fires declined last year with 710 reported in 2009 compared to 800 in 2008.
  - The ADA renovation project on the second floor restroom at City Hall is now complete. Proper signage is on both restrooms, and they are in working order.
  - Officials from Advanced Treatment Sciences, Inc. (ATS) were in North Olmsted last week to meet with him and Lisa Thomas. They reviewed the status of the Wastewater Treatment Plant upgrade. ATS is currently in the engineering

drawing phase of this project. Plans could be ready by the third quarter of this year.

- Bids for fuel are due to the City on February 12 at noon.
- Dates for the 2010 brush round-up have been established. The first round-up will occur the week of May 10. The Service Department requests that brush be placed on the curb no earlier than one week prior to the start date.
- AARP has begun free tax assistance every Wednesday at the North Olmsted Senior Center. Free tax filing is available every Wednesday until April 15. Please call the Senior Center to make an appointment and take advantage of this free service.
- The annual Valentine's Day party will be held at the Senior Center on Thursday, February 11 following the hot lunch. This event will be combined with a "Meet and Greet your Mayor", giving him the opportunity to hear any concerns or suggestions from the senior population. On Tuesday, March 16, the Senior Center will hold a Mardi Gras party after the hot lunch with entertainment provided by the Fairview Park Dixie Land Band.
- The Senior Center Garage Sale will be held on Saturday, March 6 from 9am – 3:30pm.

Councilman Barker asked for the date of the brush pick-up. Kennedy said the brush pick-up will begin the week of May 10.

Law Director Gareau:

- He wanted to address an issue with Council and those in attendance regarding an article about foreclosures throughout Cuyahoga County, and a reference to the City of North Olmsted and a specified number of cases that have been filed. Last year when that topic came up, Carole Heyward in the Law Department at his request and the Law Director had analyzed the number of cases filed in North Olmsted in relation to the total number of housing units to get an understanding as to whether or not what they were seeing here was a higher trend than in other communities. They found that it's just about the same percentage in relation to the total number of housing units. North Olmsted has a significantly larger number of housing units than, say, Fairview Park does. When you look at the number of actual foreclosures in relation to the housing units, North Olmsted is about even with a percentage. One unfortunate bit of information he thinks was left out of that article was the size of the community and number of housing units. The article was good in that it pointed out that the foreclosure problem that we saw more in Cleveland is moving to the suburbs. And, of course, North Olmsted is no exception to that situation. There may be a slight increase in the foreclosures in North Olmsted compared to last year. A lot of homes that were foreclosed upon one and two years ago are now reaching the end of the process. At the end of the process, the property's placed for Sheriff's sale and there is the possibility of new owners coming in to buy the property. Frequently, the owners buying the property are none other than the bank who holds the first mortgage on

the property. One of the ongoing problems is that when the bank goes through a foreclosure sale, the bank's not filing the deed to transfer the property into the bank's name. The result of that is the city has nobody responsible for property maintenance. His advice to anyone whose house is in foreclosure is to stay in the property until the court tells you to leave and then you can live there and take care of it. What's happening is they are leaving the property when the bank tells them to go, and then nobody takes care of it. Then the deed never gets filed. The property sits there, and it just continues to decay and rot.

- The property at 25896 Butternut is an example of what he just described. The property was owned by an out-of-state couple and it's one of the historical homes in North Olmsted that was just simply rotting. The roof was going and the siding was falling off of it and it had been like that for a number of years. They will prosecute – file a property maintenance claim, take them to Rocky River Court and try to get a fine. In summer and late fall they saw the property improvements starting to take place because they had them in Rocky River Court. They ultimately were convicted of the property maintenance violations and required to pay a fine of \$350 which is nothing compared to the people that had to live next door and look at a blighted house for the past four years.
- Another example is the property at 6652 Charles. The owner has left the property and is bankrupt and the house is in foreclosure. You're not going to go to Rocky River and have somebody thrown in jail who is bankrupt and is not capable of taking care of the property. They were found guilty and fined \$125. But, unlike Butternut, the property continues to rot. The Law Department vigorously pursued the mortgage holder. The bank got to the point where they threw their hands up, got tired of the Law Department and walked away from their lien. That left Plymouth Park Tax Service, which buys these tax certificates from the County that are delinquent and then they collect on them. They earn a very high rate of interest and they do absolutely nothing to take care of the property. They'll get paid first when it goes to a Sheriff's sale. There's no incentive for them to do a thing to preserve that property which brings him to the idea that Carole Heyward and the Law Department are exploring using the state's statutes to intervene in these foreclosures to ask the Court to appoint a Receiver to have the property maintained and repaired and then the Receiver becomes a super lien which would come before Plymouth Park. This case is coming to a default hearing soon despite the fact the city got their conviction of a \$125 from the unfortunate property owner who fell into some difficult times. The Law Department, with the Administration, is looking at some very creative ways to try to address these issues.

Finance Director Copfer:

- 2009 year-end internal revenue and expense detail and summary reports were sent out today. While she has been busy checking for accuracy of the year-end information, she does have indications of the results of the general fund that revenues ended 1.6% over the plan and 9.5% over last year's actual. That's about

\$300,000, which she had projected about \$200,000 of expected carryover was related to revenue. Recall that \$110,000 is the unexpected property tax advance that was received late in 2009 that are really 2010 collections. The remaining are charges for services, fees, permits and fines that did exceed the plan and estate tax and rollback which they had been discussing most of the year. The one thing that did happen was that some of the projects were not completed which they had advanced monies to other funds which is \$100,000 CDBG and \$70,000 for the NOACA grant. Sometime in 2010, that money will be advanced back to the general fund. It didn't make it in this year's budget. Also note that municipal income tax ended at 99.6 of planned which was 6% less than last year's. The expenditures ended at 11.7% below the prior year. At 95.8% of the budget was expended which left about \$850,000 unexpended. She looked at it on a global level for the salaries and benefits. It's about 98.5% expended. Materials and supplies was where the city saved significantly with only 53.6% of it being expended. Outside services – 10% of that budget was not expended. Security of persons and property was at 99% expended. Projections were that with concessions for the 2010 plan, there was an expected \$600,000 carryover. With those concessions and some of the other things that were talked about throughout the year, there was an expected \$250,000 to still overcome; with the million one that covers that deficit and leaves about \$300,000 out of a \$20 million operation for good measure.

- She is starting on the budget process for this year. She did have preliminary information that has been compiled by division heads and directors. With the change in Administration, they've been working on reviewing those, updating them with year-end information and hopefully waiting for other bargaining units to settle so there's a little more clarity in the salary and benefit line item.
- The estate taxes; the first half is almost due and are going to be closed for the collections. They jumped from \$120,000 two weeks ago to \$369,000 this week.
- There are five pieces of legislation on for first reading. Most of them are prior year Note Ordinances that mature April 1. The city is taking out new Notes to pay them down. 2010-15 is the 2007 street improvement, 2010-16 is the 2008 street improvement, 2010-17 is the 2009 street improvement, 2010-18 is the new monies street improvements, and 2010-19 is the Sewer Jet Truck which Council passed at the beginning of this year. There is a 2009 Note that the city is going to be paying off which is the computer server equipment for about \$160,000 so that will not be renewed. These Notes are due September 30. Speaking with Bond Counsel and some investment advisors and bankers, they really feel that the rates which have been low for awhile are probably going to start increasing in the short term either later this year or next year. It's probably time to go to Bonds. This is done every few years, and the last time it was done was 2006. You can't go to bonds in April because you need audited financial information; it's a tougher credit market than it was a few years ago. Therefore, they are having the Notes mature in September, and sometime in the late summer/early fall they are going to be going out to Bond market.

Council President Limpert said the Committee of the Whole met February 2, 2010 at 7:25 p.m. so the President of Council can appoint a member of Council to the Tax Incentive Review Council. His selection, and Council concurred, is to appoint Councilman Barker to the Tax Incentive Review Council.

Councilman Barker, Chairman of the Finance Committee:

The Finance Committee met Tuesday, January 26 at 8:00 p.m. to discuss two Ordinances and a Resolution. Present at the meeting were committee members Barker, Jones, and Kearney; Council President Limpert; Council members Brossard, Orłowski, Williamson, Mahoney; and the Mayor, Law Director, Human Resources Director, and Planning Director.

- Resolution 2010-6 is a Resolution authorizing and directing the Director of Planning to make application on behalf of the City of North Olmsted for a Certified Local Government grant; further authorizing the Mayor to accept the grant if awarded and to execute contracts with the National Park Service and/or Ohio Historic Preservation Office; further authorizing the use of city funds as the local match; and declaring an emergency. The City obtained Certified Local Government status, and is now able to apply for these grants. The City did an ADA study in 2007. With Old Town Hall being in the National Register of Historic Places, the city can apply for a grant to do some ADA improvements. There will be a modification in the rear of the building with the replacement of the ramp with a platform lift and reworking the rear doorway and some maintenance issues. The budget is approximately \$40,000, and the 40% matching funds will come from the Land Acquisition and Building Improvement Fund which has approximately \$222,000 in it. Councilman Barker made a motion to recommend approval of 2010-6. The motion was seconded by Councilman Kearney and the vote was 3-0 for the recommendation of approval of 2010-6.
- Ordinance 2010-9 is an Ordinance amending Section 955.02 of Chapter 955 Sale of Surplus Personal Property of the Codified Ordinance of the City of North Olmsted regarding the procedure for sale of surplus property to include an annual public sale. In amending Section 955.02, it will basically give the city the opportunity to clean house and have an annual garage sale. The values of the property that is determined to be sold will be set at no higher than \$250. All citizens will have the opportunity to look over the offerings and make a purchase. There will be no presale purchases. The list will be comprised and sent to the Board of Control. With their approval, a location will be selected and the surplus property will be displayed. Announcements of the sale will be posted on the city website, the cable channel and at least once in the newspaper. It must be noted that no property will be sold for less than the approved fair market value. Councilwoman Jones made a motion to recommend approval of 2010-09. The motion was seconded by Councilman Kearney and the vote was 3-0 for recommendation of approval of 2010-9.
- Ordinance 2010-13 is an Ordinance amending and re-establishing health care benefits for non-bargaining unit employees of the City of North Olmsted, and

declaring an emergency. The Ordinance contains Exhibit A which lists names of the non-bargaining unit official and employee positions which are eligible for health care benefits. It was originally two lists that made things a little more confusing to understand who was eligible for benefits. It removed some outdated positions like NOMBL positions and added some new positions such as part time Assistant Director of Law. Councilman Kearney made a motion to recommend approval for 2010-13. The motion was seconded by Councilwoman Jones and the vote was 3-0 for recommendation of approval of 2010-13. The meeting adjourned at 8:29 p.m.

Councilman Orlowski, Chairman of the Environmental Control Committee:

The Environmental Control Committee met Tuesday, January 26, 2010 at 7:30 p.m. Present were all committee members, all Council members, Mayor, Law Director, Safety Director, Planning Director, and guests.

- Resolution 2010-07 is a Resolution authorizing and directing the Director of Planning to make application on behalf of the City of North Olmsted for an Ohio EPA Storm Water Improvement Fund grant to address storm water runoff issues at the North Olmsted City Hall parking lot; further authorizing the Mayor to accept the grant if awarded; and to execute a contract with the Ohio EPA, and declaring an emergency. The grant application is a maximum of \$300,000 and would transform the current parking places at the City Hall Dover Center Road parking lot to permeable paving. The current concrete walkway would be transformed to a bio-retention planted area with a catch basin and storm water drainage piping. ADA and snow plow issues are addressed by the type of permeable pavement being recommended and the transition from the asphalt driveway to the permeable pavement. This is a good worthwhile project for the grant application. It is a high visibility place for residents and commercial property owners to gain exposure to a better alternative for parking areas and to help meet EPA storm water mandates. Councilman Barker made a motion to recommend approval. The motion was seconded by Councilman Brossard, and the committee voted 3-0 to recommend approval by all of Council. Suspension on the rule requiring three readings was requested and recommend as the application is time sensitive and no matching funds are required of the city.
- Resolution 2010-14 is a Resolution authorizing and directing the Director of Public Safety to make application on behalf of the City of North Olmsted for an Ohio EPA Storm Water Improvement Fund grant to eliminate erosion within a storm channel along Windsor Drive; further authorizing the Mayor to accept the grant if awarded; and to execute a contract with the Ohio EPA, and declaring an emergency. The grant application is up to \$300,000 and will be used to repair, rework and possibly re-channel the existing storm water channel on Windsor Drive which is experiencing a great deal of erosion. Hopefully, the planting or replanting of trees, bushes, and other ground cover will be part of the process to reduce erosion and slow the movement of the water. Councilman Brossard made a motion to recommend approval. The motion was seconded by Councilman

Orlowski, and the committee voted 3-0 to recommend approval by all of Council. Suspension of the rule requiring three readings was requested and recommended as the application is time sensitive and to protect the integrity of all property along this channel and prevent further sedimentation downstream of this channel. The Environmental Committee concluded their work at 7:43 p.m.

Councilwoman Jones, Chairwoman of the Building, Zoning and Development Committee:

The BZD Committee met on Tuesday, January 26, 2010 at 7:00 p.m. Present were committee members Jones, Barker and Mahoney; Council members Brossard, Kearney, Orlowski, and Williamson; the Mayor, Planning Director, Law Director, Building Commissioner and Animal Warden.

- The committee met to discuss Calvary Community Church at 28887 Lorain Road. The proposal consists of a request for a Conditional Use Permit for a church in a general business retail district, specifically in Pheasant's Run Plaza. In addition to the Conditional Use Permit, the applicant is proposing minor changes to the building site including filling in a rear loading door, modifying the loading area, and providing for sufficient accessible parking. These changes will be handled through the minor change process so long as the applicant's submittal meets all Zoning Code requirements. The Building Commissioner identified a concern related to the amount of required parking due to the change in the use classification of the proposed tenant space from retail to assembly. The Zoning Code Section 1161.06 allows for shared parking or combined use of parking facilities in multi-tenant buildings where the businesses normally have different hours of operation. The property owners must submit an agreement or contract defining this combined use of parking facilities to the City. The Planner recommended to Council that a submission of an agreement to the City that meets the requirements of the Law Department be a condition of approval for the Conditional Use Permit. Council had also recently approved a Conditional Use Permit for a church in a general retail business district, specifically in the Stearns and Lorain Plaza just a few weeks ago. Councilwoman Jones made a motion to recommend approval of a Conditional Use Permit for CMS09-13 Calvary Community Church on the condition of submitting a parking agreement to the City that meets the requirements of the Law Department. The motion was seconded by Councilman Barker and it was approved with a vote of 3-0. The meeting ended at 7:09 p.m.

Councilwoman Jones made a motion to approve the Conditional Use Permit for Calvary Community Church located at 28887 Lorain Road subject to the recommendations of the Boards and Commissions and on the condition of a parking agreement submitted to the City that meets the requirements of the Law Department. The motion was seconded by Councilman Barker and passed unanimously. Conditional Use Permit for Calvary Community Church approved.

Councilwoman Jones gave a report from the Fair Housing Review Board:

The Fair Housing Review Board met Thursday, January 21, 2010. The Board had a hearing. A resident had asked the Board to overturn the finding of the Fair Housing Administrator in a fair housing matter that was brought to the City last year. The Board upheld the finding of the Administrator, and her finding was that there was no fair housing violation in this matter. Mr. President and my fellow Council members, that meeting was an especially important meeting for me as it was my last meeting serving on that Board. I had served on the Fair Housing Review Board since 2003; since before I was elected to city Council and had the good fortune of being the Council appointment to that Board as well. With all things, it's always good to get a new perspective after awhile, and I know that Mr. Orłowski will do a great job representing Council on that Board starting in February. But, I just wanted to publicly state how much that Board has meant to me. We've come a long way since 2003, especially having the City achieve substantial equivalency with HUD which is a huge deal. North Olmsted is only one of a few communities in Ohio who even has achieved that. The Board members who serve on that Board are so dedicated and, of course, Carole Heyward who is our Administrator is a huge asset to this city. I will certainly have remembered my time with that Board very fondly.

Councilman Kearney, Chairman of the Recreation, Public Parks and Buildings Committee:

The Recreation Committee met Tuesday, January 26, 2010 at 7:15 p.m. Present were committee members Kearney, Brossard and Orłowski as well as all of Council. The Mayor, Safety Director, Animal Warden, and guests were also present. Discussed was Ordinance 2009-145 sponsored by Council members Dailey Jones and Brossard. 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, as amended. The Ordinance allows dogs in parks with restrictions: a six foot or less lead, no retractable leads, vicious dogs must be muzzled, the person walking the dog must be at least sixteen years old and of suitable size and discretion to control the dog, no dog walking allowed during Homecoming, All-Scouts Weekend and other community events designated by the Mayor or his designee. Pros and cons were discussed and the committee voted 3-0 in favor of the Ordinance.

Councilman Mahoney, Chairman of the Public Safety, Health and Welfare Committee:

The Public Safety, Health and Welfare Committee met Tuesday, January 26, 2010 at 7:45 p.m. Present were committee members Mahoney, Kearney and Williamson along with all of Council, Mayor Kennedy, Law Director Gareau, Safety Director Thomas, Human Resources Director Farver and Planning Director Wenger. The topic for discussion at that committee meeting was Ordinance 2010-11 sponsored by Mayor Kennedy and Council Members Barker and Brossard. An Ordinance amending Section 1363.07 of

Chapter 1363 of the Real Property Maintenance Code, entitled “Duties and Responsibilities of Owners and Operators” and to adopt standards for rubbish disposal and recreational vehicle covers relating to the exterior appearance of residential buildings and premises in the City of North Olmsted. Councilman Barker discussed the notion that this is really relating to the brush pick-up program adopted last year by the city. Previously, the city had a brush pick-up schedule where the homeowner would call and indicate there was brush pick-up and it would be taken care of by the city, and that’s been cut back in 2009. In response to that, Councilman Barker indicated that the former Service Director, Council President Limpert, had received information indicating that the current Ordinances had enforcement issues relating to that as brush pick-up had been cut back. What they found happening was that residents were leaving brush out on their tree lawn well after the scheduled brush pick-up, and that was becoming unsightly and creating issues in various neighborhoods. With that in mind, the Ordinance was crafted to give the Service Department, Building Department, and Property Maintenance Code more of an effective tool for enforcement in keeping tree lawns neater and cleaner. It was noted by Dr. Thomas along with sponsor Barker that the Building Department would have the authority through the Ordinance, if adopted, to issue a warning letter to the homeowner in regards to the brush pick-up Ordinance and their responsibilities there under, and that if the situation wasn’t corrected, a citation would be issued. Further, the Ordinance discusses and addresses the proper manner in which to cover recreational vehicles. Councilman Mahoney made a motion to recommend approval. The motion was seconded by Councilman Kearney and passed 3-0 to recommend approval. The Public Safety Committee ended its meeting at 7:53 p.m.

Councilman Mahoney gave a report for the Ethics Commission of the City of North Olmsted:

The Ethics Commission met on Tuesday, January 26, 2010 at 6:30 p.m. The following members were present: Council President Limpert, Councilman Barker, Councilman Mahoney, Human Resources Director Farver and Finance Director Copfer. Law Director Gareau was also in attendance along with guests.

- Councilman Barker nominated Councilman Mahoney to be Chairman. Upon a unanimous vote, Councilman Mahoney was made Chairman of the North Olmsted Ethics Commission.
- The meeting was turned over to Law Director Gareau for his comments and thoughts. He opened the meeting with his commentary on an overview of Chapter 107 that had been drafted by his predecessor, Mr. Dubelko. He noted that a lot of work and effort must have been put into this because the multiple page document kind of mirrors the current State Code as it pertains to the Ethics Commission. One of the issues discussed was whether or not the city should have an Ethics Commission given that there is a State of Ohio Ethics Commission that covers the same type of areas. When an ethics complaint is filed with the City, either side can go before the Ohio State Ethics Commission. There’s apparently some type of redundant work that would be involved. So, the question that was framed was whether or not to keep the North Olmsted Ethics Commission, or

simply allow any ethics complaint to go through the State Commission and allow the State of Ohio Ethics Commission, to keep the Commission as it is, or to keep the Commission and re-write it following some of the suggestions by former Law Director Dubelko. During the meeting, Councilman Barker provided his history as a member of the North Olmsted Ethics Commission as did Finance Director Copfer. There seems to be an issue that all members discussed in terms of whether or not the North Olmsted Ethics Commission is an effective tool for resolving ethics disputes. There is, again, an enforcement issue because there's no current enforcement clause within the Ordinance either as it's written now or as it was proposed by former Law Director Dubelko. Mr. Gareau pointed out that on occasion, the Ohio Ethics Commission can give advisory opinions and they've done so as a city in the past and can continue to do so. The other aspect of the State of Ohio Ethics Commission is the investigative aspect. When a complaint is made, the North Olmsted Ethics Commission can have an investigative function; but again, ultimately it will inevitably go to the Ohio State Ethics Commission, and they can take an extended period of time to conduct their own investigation. Ultimately it was decided to review further suggestions by former Law Director Dubelko and reconvene at a later point in time. The City of North Olmsted Ethics Commission will hold a public meeting at 6:30 p.m. on Tuesday, February 9, 2010 in the second floor caucus room here at City Hall. Again, the same legislation will be discussed and that is Chapter 107 Code of Ethics in the Administrative Code pertaining thereto.

Law Director Gareau requested that Councilman Kearney make a motion to amend 2009-145 as written and presented.

Councilman Kearney made a motion to amend Ordinance 2009-145 as written. The motion was seconded by Councilman Orlowski and passed unanimously. Ordinance 2009-145 amended as written.

Councilwoman Williamson, Chairwoman of the Intra-Governmental Relations Committee:

The Intra-Governmental Relations Committee met Tuesday, February 2, 2010 at 7:00 p.m. Present were committee members Williamson, Jones, and Mahoney; Council members Brossard, Barker, Kearney, and Orlowski. Also present were the Mayor, Council President, Planning Director, and guests. The committee met to discuss the reappointments and interview new appointments to various boards and commissions. On behalf of Council, she would like to express gratitude to all those who came forward. Council was very impressed with the experience and qualifications of each of the applicants. The committee recommended the approval of the following reappointments:

Greg Malone – Planning and Design Commission  
Paul Schumann – Landmarks Commission

Don Rerko – Landmarks Commission  
Alfredo Lopez – Board of Zoning Appeals  
Robert Lipcsey – Board of Building Code Appeals  
David Wahl – Cultural Activities Commission

The committee also recommended the approval of the following new appointments:

Al Richner – Landmarks Commission  
David Neville – Landmarks Commission  
Robert Parry – Planning and Design Commission  
Nasreen Starner – Cultural Activities Commission  
Kacie Armstrong – Tax Incentive Review Council  
Duane H. Limpert – Tax Incentive Review Council

The meeting adjourned at 7:17 p.m.

Councilwoman Williamson made a motion to approve the reappointment of Greg Malone to the Planning and Design Commission for the term of January 1, 2010 through December 31, 2014. The motion was seconded by Councilman Mahoney and passed unanimously. Greg Malone reappointed to the Planning and Design Commission for the term January 1, 2010 through December 31, 2014.

Councilwoman Williamson made a motion to approve the reappointment of Paul Schumann to the Landmarks Commission for the term of January 1, 2010 through December 31, 2011. The motion was seconded by Councilwoman Jones and passed unanimously. Paul Schumann reappointed to the Landmarks Commission for the term January 1, 2010 through December 31, 2011.

Councilwoman Williamson made a motion to approve the reappointment of Don Rerko to the Landmarks Commission for the term of January 1, 2010 through December 31, 2011. The motion was seconded by Councilman Mahoney and passed unanimously. Don Rerko reappointed to the Landmarks Commission for the term January 1, 2010 through December 31, 2011.

Councilwoman Williamson made a motion to approve the reappointment of Alfredo Lopez to the Board of Zoning Appeals for the term of January 1, 2010 through December 31, 2014. The motion was seconded by Councilwoman Jones and passed unanimously. Alfredo Lopez reappointed to the Board of Zoning Appeals for the term January 1, 2010 through December 31, 2014.

Councilwoman Williamson made a motion to approve the reappointment of Robert Lipcsey to the Board of Building Code Appeals for the term of January 1, 2010 through December 31, 2014. The motion was seconded by Councilman Mahoney and passed unanimously. Robert Lipcsey reappointed to the Board of Building Code Appeals for the term January 1, 2010 through December 31, 2014.

Councilwoman Williamson made a motion to approve the reappointment of David Wahl to the Cultural Activities Commission for the term of January 1, 2010 through December 31, 2014. The motion was seconded by Councilwoman Jones and passed unanimously. David Wahl reappointed to the Cultural Activities Commission for the term January 1, 2010 through December 31, 2014.

Councilwoman Williamson made a motion to approve the appointment of Albert Richner to the Landmarks Commission for the term of January 1, 2010 through December 31, 2011. The motion was seconded by Councilman Mahoney and passed unanimously. Albert Richner appointed to the Landmarks Commission for the term January 1, 2010 through December 31, 2011.

Councilwoman Williamson made a motion to approve the appointment David Neville to the Landmarks Commission to fill a vacant position for the unexpired term of January 1, 2009 through December 31, 2010. The motion was seconded by Councilwoman Jones and passed unanimously. David Neville appointed to the Landmarks Commission for the unexpired term January 1, 2009 through December 31, 2010.

Councilwoman Williamson made a motion to approve the appointment Robert Parry to the Planning and Design Commission for the unexpired term of January 1, 2006 through December 31, 2010. The motion was seconded by Councilman Kearney and passed unanimously. Robert Parry appointed to the Planning and Design Commission for the unexpired term January 1, 2006 through December 31, 2010.

Councilwoman Williamson made a motion to approve the appointment of Nasreen Starner to the Cultural Activities Commission for the term of January 1, 2010 through December 31, 2014. The motion was seconded by Councilwoman Jones and passed unanimously. Nasreen Starter appointed to the Cultural Activities Commission for the term January 1, 2010 through December 31, 2014.

Councilwoman Williamson made a motion to approve the appointment of Kacie Armstrong to the Tax Incentive Review Council for the term of January 1, 2010 through December 31, 2012. The motion was seconded by Councilman Mahoney and passed unanimously. Kacie Armstrong appointed to the Tax Incentive Review Council for the term January 1, 2010 through December 31, 2012.

Councilwoman Williamson made a motion to approve the appointment of Duane H. Limpert to the Tax Incentive Review Council for the term of January 1, 2010 through December 31, 2012. The motion was seconded by Councilwoman Jones and passed unanimously. Duane H. Limpert appointed to the Tax Incentive Review Council for the term January 1, 2010 through December 31, 2012.

## **AUDIENCE PARTICIPATION**

Don Pangrac, 23470 Sharon Drive received his water bill for October, November, and December which prompted him to call the City of Cleveland Water Department and try to get in and get an explanation. No one he spoke with knew what a customer service charge was supposed to cover, what a deduct meter reading fee is supposed to cover and what a billing fee is supposed to cover. He thinks people are paying twice for the same service. He would like to see some effort made to get a group together to try to work out some sort of arrangement with the City of Cleveland. People are paying \$18.54 for the first 1,000 cubic feet, and paying \$4.82 for a billing fee on top of that every month. That's \$23.36 for the first 1,000 cubic feet of water. After that, people are paying \$39.65, which is more than double what the base rate is for water. With the increase in the sewage for the sewage plant, is there any way to negotiate a rate or try to meet with the City of Cleveland to get some sort of relief from these rates because many are on fixed incomes and no increases this year. Mayor Kennedy thanked Mr. Pangrac and reminded him to E-mail him regarding this issue.

Jerry Barrett, 24125 Lebern Drive did not receive a water bill. His wife called the water department. They said they would send out another one because at that time their street was not on a dedicated mail route. When they still did not receive a bill, his wife called again to avoid a surcharge on the bill. They told her they were having trouble with some of the bills in the City of North Olmsted so they really don't know what is owed. Copfer said she talked to the Assistant Controller there. Copfer said she was assured that they looked through and they did not have a problem in the City of North Olmsted with billing. The same number of bills went out. To really determine this, she won't get the January information until February to know whether she has the same amount of money for a January billing as she did in prior years. Copfer asked if he got the problem resolved with the water department and Mr. Barrett said they did. Copfer said the water department did go on a new computer, and they were having issues with certain reports being run with usage. It makes her a little nervous how they knew how much to bill everyone. Councilman Barker said he also had two residents from Maple Ridge Condominiums with a billing error and, of course, their complaint was they're spending all day on the phone. He suggested for residents to call earlier because he called the water department before 7:30 a.m. and got through.

Dennis Lambert, 25057 Carey Lane noted that the Cleveland Water Department has gone to a new system. They've also changed all account numbers because the new system does not handle the old account numbers. For those who pay your bill online, they should change their account number to the new account number. According to the water department, it's going to be a brief changeover time where the old account numbers will work and then they won't work anymore. He pointed out that if you don't pay your water bill, it becomes a lien against your property.

Tim Smith, 6053 Sherwood Drive invited the members of Council and all the members of the audience and anyone from the city to the next meeting of the Charter Review Commission on Thursday, February 11, 2010 at 7 p.m. in the caucus room in the back.

They have a lot of work to do in a short amount of time and they welcome the input of Council members, the Administration, and anyone from the city.

## **LEGISLATION**

Ordinance 2009-63 introduced by Mayor O’Grady was given its third reading. An Ordinance creating 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, as amended. Councilwoman Jones moved for adoption. The motion was seconded by Councilman Barker. Roll Call: Jones, yes with comment. My vote is yes, and just addressing some of the resident concerns that had been brought up at the beginning of the process of going through this, this is just the beginning of the process. In having these regulations offers our residents the protections that they’ve requested if a property owner does approach the city about the possibility of putting up a WEC. So, therefore, my vote is yes. Roll Call continued: Barker, yes with comment. Being Chairman of BZD while this went through the process for almost a year, we had a lot of meetings with Planning and Design meetings. We had Public Hearings. And, we had – I think – three committee meetings covering this. We had a lot of audience participation. I feel Planning and Design and BZD listened to those comments. I commend the previous Administration and Planning Director Wenger and Assistant Law Director Bryan O’Malley for all their hard work on this legislation. I think it’s, as Miss Dailey Jones said, we have something in place in case somebody wants to build something down the road. We’re not chasing after the dog. We are ahead of the dog this time, and I’m very proud we are in the process of passing this legislation tonight. So, my vote is yes. Roll Call continued: Brossard, yes; Kearney, yes; Mahoney, yes; Orłowski, yes; Williamson, yes. Ordinance 2009-63 adopted.

Ordinance 2009-64 introduced by Mayor O’Grady was given its third reading. An Ordinance providing 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. Councilwoman Jones moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Ordinance 2009-64 adopted.

Ordinance 2009-86 introduced by Mayor O’Grady was given its third reading. An Ordinance providing 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. Councilwoman Jones moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Ordinance 2009-86 adopted.

Ordinance 2009-100 introduced by Mayor O’Grady was given its third reading. An Ordinance providing 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. Councilwoman Jones moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Ordinance 2009-100 adopted.

Resolution 2010-1 introduced by Mayor Kennedy was given its third reading. 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. Councilman Barker moved for adoption. The motion was seconded by Councilwoman Jones and passed unanimously. Resolution 2010-1 adopted.

Resolution 2010-4 introduced by Mayor Kennedy was given its third reading. 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. Councilman Barker moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Resolution 2010-4 adopted.

Council President Limpert announced that the following legislation will be tabled tonight. This has been discussed in Committee of the Whole.

Ordinance 2006-155 introduced by Council members Tallon, Miller, and Orlowski was given its second reading. An Ordinance amending Ordinance Nos. 2002-52 and 2001-127 so as to provide that the Special Revenue Fund established by Ordinance No. 2001-127, as thereafter amended by Ordinance No. 2002-52, shall be entitled the “Senior and Disabled Assistance Fund” and that revenues in said fund may be expended for accessibility studies and municipal infrastructure, facilities, program and service improvements required by the American with Disabilities Act (ADA).

Ordinance 2007-135 introduced by Mayor O’Grady was given its second reading. 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.

Ordinance 2007-94 introduced by Councilman Ryan was given its second reading. An Ordinance removing Section 721.02, entitled “Sales on Public Property Prohibited”, from the Business Regulation Code; placing it in the General Offenses Code as new Section 521.16; and providing for the offense to be classified as a minor misdemeanor.

Ordinance 2008-131 introduced by Councilman Orlowski was given its second reading. An Ordinance providing for the amendment of Section 1127.04 of the Zoning Code of

the City of North Olmsted to provide for voter approval by majority of electors within the Ward of any zoning or rezoning from Single Family to Residential Cluster District.

Ordinance 2008-122 introduced by Councilman Ryan was given its second reading. An Ordinance amending Section 505.08 of Chapter 505 of the General Offenses Code entitled “Animals and Fowl” in order to restrict the number of dogs that may be kept on residential lots in the city.

Ordinance 2009-6 introduced by Mayor O’Grady was given its second reading. An Ordinance amending Section 1501.1901 of the City Taxation Code in order to temporarily reduce the city income tax credit, and declaring an emergency.

Ordinance 2009-91 introduced by Mayor O’Grady was given its second reading. An Ordinance amending the Traffic Control File of the City of North Olmsted so as to provide for an increase in the speed limit on Stearns Road between Lorain Road and the Westlake Corporation line from thirty-five miles per hour to forty-five miles per hour.

Councilman Barker made a motion to table 2006-155, 2007-135, 2007-94, 2008-131, 2008-122, 2009-6, and 2009-91. The motion was seconded by Councilman Mahoney and passed unanimously. Legislation 2006-155, 2007-135, 2007-94, 2008-131, 2008-122, 2009-6, and 2009-91 tabled.

Ordinance 2009-145 introduced by Council members Brossard and Dailey Jones was given its second reading. 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, as amended.

Resolution 2010-6 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing and directing the Director of Planning to make application on behalf of the City of North Olmsted for a Certified Local Government grant; further authorizing the Mayor to accept the grant if awarded and to execute contracts with the National Park Service and/or Ohio Historic Preservation Office; further authorizing the use of city funds as the local match; and declaring an emergency. Councilman Barker made a motion to suspend the rules requiring three readings as this has been discussed in committee. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution 2010-6 adopted.

Resolution 2010-7 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing and directing the Director of Planning to make application on behalf of the City of North Olmsted for an Ohio EPA Storm Water Improvement Fund grant to address storm water runoff issues at the North Olmsted City Hall parking lot; further authorizing the Mayor to accept the grant if awarded; and to execute a contract with the Ohio EPA, and declaring an emergency. Councilman Orlowski made a motion to suspend the rule requiring three readings as this has been discussed in committee, and the filing date of the application is time sensitive. The motion was seconded by

Councilman Kearney and passed unanimously. Councilman Orłowski moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution 2010-7 adopted.

Ordinance 2010-9 introduced by Mayor Kennedy and all of Council was given its second reading. An Ordinance amending Section 955.02 of Chapter 955 Sale of Surplus Personal Property of the Codified Ordinances of the City of North Olmsted regarding the procedure for sale of surplus property to include an annual public sale.

Ordinance 2010-11 introduced by Mayor Kennedy and Council members Barker and Brossard was given its second reading. An Ordinance amending Section 1363.07 of Chapter 1363 of the Real Property Maintenance Code, entitled "Duties and Responsibilities of Owners and Operators" and to adopt standards for rubbish disposal and recreational vehicle covers relating to the exterior appearance of residential buildings and premises in the City of North Olmsted.

Ordinance 2010-13 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing health care benefits for non-bargaining unit employees of the City of North Olmsted, and declaring an emergency. Councilman Barker made a motion to suspend the rule requiring three readings as it has been discussed in committee. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance 2010-13 adopted.

Resolution 2010-14 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing and directing the Director of Public Safety to make application on behalf of the City of North Olmsted for an Ohio EPA Storm Water Improvement Fund grant to eliminate erosion within a storm channel along Windsor Drive; further authorizing the Mayor to accept the grant if awarded; and to execute a contract with the Ohio EPA, and declaring an emergency. Councilman Orłowski made a motion to suspend the rule requiring three readings as this has been discussed in committee and the filing date of the application is time sensitive. The motion was seconded by Councilman Barker and passed unanimously. Councilman Orłowski moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution 2010-14 adopted.

Ordinance 2010-15 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of \$1,145,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of improving certain designated streets in the city, in cooperation with the Director of Transportation of the State of Ohio and Cuyahoga County and otherwise, by grading, draining, constructing, reconstructing and rehabilitating the pavement base, curbs, and sidewalks and adjusting, rehabilitating and reconstructing catch basins, manholes and water valve boxes, where necessary, preparing the surface and surfacing and resurfacing, in each case together with the necessary appurtenances and work incidental thereto, and declaring an emergency. Councilman Barker stated he is in receipt of the Fiscal Officer's Certificate.

Ordinance 2010-16 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of \$900,000 of Notes, in anticipation of the issuance of Bonds, for the purpose of improving Clague Road and certain other designated streets in the city by preparing the surface and resurfacing with asphaltic concrete, together with the necessary appurtenances and work incidental thereto, and declaring an emergency. Councilman Barker stated he is in receipt of the Fiscal Officer's Certificate.

Ordinance 2010-17 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of \$1,010,000 of Notes, in anticipation of the issuance of Bonds, to provide funds to pay costs of improving Dover Center Road and certain other designated streets in the city, in cooperation with Cuyahoga County and otherwise, by constructing, reconstructing and rehabilitating the pavement base, storm sewers, storm water drainage structures, curbs, curb ramps and sidewalks, where necessary, preparing the surface and resurfacing, in each case together with the necessary appurtenances and work incidental thereto, and declaring an emergency. Councilman Barker stated he is in receipt of the Fiscal Officer's Certificate.

Ordinance 2010-18 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of \$1,015,000 of Notes, in anticipation of the issuance of Bonds, to provide funds to pay costs of improving Arlington Lane and certain other designated streets in the city between certain termini by reconstructing and rehabilitating the pavement base, constructing and reconstructing curbs and curb ramps and adjusting catch basins, manholes and water valve and monument boxes, where necessary, preparing the surface and resurfacing, in each case together with the necessary appurtenances and work incidental thereto. Councilman Barker stated he is in receipt of the Fiscal Officer's Certificate.

Ordinance 2010-19 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of \$320,000 of Notes, in anticipation of the issuance of Bonds, to provide funds to pay costs of acquiring a Sewer Jet Truck and all necessary appurtenances and related equipment for use in carrying out functions of the City's Department of Public Service. Councilman Barker stated he is in receipt of the Fiscal Officer's Certificate.

Ordinance 2010-20 was introduced and placed on first reading by Mayor Kennedy. An Ordinance amending Section 1701.27 of the Fire Prevention Code in order to create an additional exemption to monetary charges assessed for false fire alarms and to authorize the Director of Public Safety to grant or deny an exemption upon request.

### **MISCELLANEOUS BUSINESS**

Council President Limpert announced that a special Council meeting is scheduled for February 9, 2010 at 7:30 p.m.

Councilman Barker scheduled a Finance Committee meeting at 7 p.m. on Tuesday, February 9, 2010 to discuss 2010-15, 2010-16, 2010-17, 2010-18, and 2010-19. The Finance Director and Law Director are asked to attend.

Councilman Mahoney scheduled a Public Safety, Health & Welfare Committee meeting for 7:45 p.m. on Tuesday, February 9, 2010 to discuss 2010-20. The Law Director is asked to attend.

With the agenda being completed and there being no further business to come before Council, President Limpert adjourned the Council meeting at 9:28 p.m.

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Marie Gallo, Clerk of Council

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Duane K. Limpert, President of Council