

**MINUTES OF THE MEETING OF THE COUNCIL  
OF THE CITY OF NORTH OLMSTED  
DECEMBER 6, 2011**

Present: President of Council Limpert; Council Members Barker, Brossard, Kearney, Mahoney, Orłowski, Schumann, Williamson

Also Present: Mayor Kennedy, Director of Law Gareau, Director of Finance Copfer, Clerk of Council Gallo, Director of Planning and Development Wenger, Director of Safety and Service Thomas, and Director of Human Resources Farver

President Limpert called the meeting to order at 8:00 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 Mahoney made a motion to amend the agenda to remove the approval of the minutes of October 4, 2011 and to remove 2011-132. The motion was seconded by Councilman Barker and passed unanimously. Agenda amended to remove the October 4, 2011 Council minutes and 2011-132.

The following legislation will be considered for passage under suspension of the rules: Second Reading – Ordinance 2011-118, Resolution 2011-122 and Ordinances 2011-123, 2011-124 & 2011-125; First Reading – Ordinances 2011-131 & 2011-133

**REPORTS**

Mayor Kennedy:

- On November 19, 2011 the North Olmsted Fire Dept. responded to a bedroom fire at Brendan Court Apartments. The was approximately \$20,000 in damage to the suite and contents. No one was injured.
- On December 1, 2011 the North Olmsted Police Dept. responded to reports of several businesses being broken into on the east side of the city. The next evening with the description of the possible vehicle involved, NOPD to Bentley Coe Plaza on report of someone pulling on rear doors of business. The suspect has been linked to previous breaking and enter incidents in other cities.
- Officer Jim Carbone, in collaboration with North Olmsted High School, will be conducting a “mocktail” party on December 20, 2011 between 9:30 a.m. and 2:00 p.m. The students make non-alcoholic beverages and compete against each other to make the best “mocktail” to demonstrate that students can have fun without influence of drugs or alcohol.
- The catch basins and culverts cleaning to date total 787. Twenty-three catch basins were repaired during October and November and repairs continue.

- The Cultural Activities Commission is sponsoring the fourth annual holiday lights decorating contest. Prizes will be awarded to the top three displays. Entry forms are available at the Planning Department and online.
- The first meeting for FOP contract negotiations are scheduled for Thursday, December 8, 2011.
- Beginning in January, North Olmsted will be hosting the Council of Governments (COG) meetings. These meetings will be held the second Wednesday of every month at 9:30 a.m. and are open to the public.
- The annual tree lighting at Springvale was yesterday, and it was very well attended.

Director of Law Gareau:

- In the matter of *Frantz vs. Springvale*, an appeal has been filed. He will keep everyone apprised on the outcome of that matter.
- There was an 8<sup>th</sup> new referral to the Law Dept. regarding property maintenance regarding a structural maintenance issue.
- AFSCME Service filed a policy grievance against the City of North Olmsted. The issues appears to be a part-time employee(s) was doing janitorial work. The matter will be scheduled for a step 2 hearing with the Mayor or his designee.
- As the Mayor reported, FOP contract negotiations open this Thursday. He will be involved in these negotiations.
- The issue of the fire damaged house is moving along. Ass't Law Director, Carole Heyward, assisted the homeowner in getting the process moving. The city has contact the City of Cleveland Division of Water to get the meter disconnected so the building can be demolished.
- The license and lease that Council approved with Robert Morris Cadillac has been finalized. Both documents will have an effective date of January 2, 2012 and will last for a period not to exceed a year.

Director of Finance Copfer:

- No Report.

Councilman Barker, Chairman of the Finance Committee:

The Finance Committee met Tuesday, November 29, 2011 at 7:50 p.m. Present were committee members Barker, Kearney and Schumann; Council President Limpert; Council members Brossard, Orlovski and Williamson; Mayor Kennedy, Law Director Gareau, Planning/Development Director Wenger and Finance Director Copfer.

- Discussed was 2011-118 which is an Ordinance amending Section 179.99 of Chapter 179 of the Administrative Code entitled "Department of Planning and Development" in order to create the position of Assistant Building Commissioner within the Division of Building, and declaring an emergency. The Planning/Development Director feels it is important to have an Ass't Building

Commissioner position due to the fact of a very good year of permits being issued and many improvements being carried into 2012. The committee voted 3-0 to recommend approval of Ordinance 2011-118 with suspension.

- Discussed next was 2011-123 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, 2011, as amended. The committee voted 3-0 to recommend approval of Ordinance 2011-123 with suspension and amendments.

Councilman Barker made a motion to amend Ordinance 2011-123. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance 2011-123 amended.

- Discussed next was Ordinance 2011-124 which is an Ordinance to make appropriations for current expenses and other expenditures for the City of North Olmsted for the year ending December 31, 2012, as amended. The committee voted 3-0 to recommend approval to recommend approval of Ordinance 2011-124 with suspension and amendments.

Councilman Barker made a motion to amend Ordinance 2011-124. The motion was seconded by Councilman Schumann and passed unanimously. Ordinance 2011-124 amended.

- Discussed last was Ordinance 2011-125 which is an Ordinance amending and establishing rates of compensation for various administrative and legislative personnel for the year 2011 by amending Section 6 to add the position of Assistant Building Commissioner and adjusting the minimum pay range for said position; amending Section 7 to add the position of Assistant Superintendent Maintenance and additionally retitling the Assistant Superintendent position to Assistant Superintendent Collections/Plant; amending Section 15 to prohibit vacation sell back for cash; eliminating Section 16 attendance bonus days; amending current Section 17 (hereinafter Section 16) boot allowance to add positions; and otherwise restating the compensation rates and descriptions for various administrative and legislative personnel for the years 2011 and 2012, and declaring an emergency, as amended. The committee voted 3-0 to recommend approval of Ordinance 2011-125 with suspension and amendments.

Councilman Barker made a motion to amend Ordinance 2011-125. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance 2011-125 amended.

- The 3<sup>rd</sup> Quarter analysis was also discussed and a copy is on file in the Clerk of Council's office.

Councilman Brossard, Vice-Chairman of the Recreation, Public Parks & Buildings Committee:

The Recreation, Public Parks & Buildings Committee met Tuesday, November 22, 2011 at 7:26 p.m. Present were committee members Brossard and Orłowski; Council President Limpert; Council members Mahoney, Schumann and Williamson; Mayor Kennedy.

- Discussed was Ordinance 2011-120 which is an Ordinance authorizing the Mayor of the City of North Olmsted to enter into a two-year agreement with J.L. Hilton Company to provide amusement gaming machines at the North Olmsted Recreation Center. The committee voted 2-0 to recommend approval of Ordinance 2011-120.
- Discussed last was Ordinance 2011-121 which is an Ordinance authorizing the Mayor of the City of North Olmsted to enter into a two-year agreement with Bob's Ice Cream, Inc., DBA Quality Quick Snacks, providing for vending services at the North Olmsted Recreation Center. The committee voted 2-0 to recommend approval of Ordinance 2011-121.

Councilwoman Williamson, Chairwoman of the Public Health, Safety & Welfare Committee:

The Public Safety, Health & Welfare Committee met Tuesday, November 22, 2011 at 7:03 p.m. Present were committee members Williamson, Mahoney and Schumann; Council President Limpert; Council members Brossard and Orłowski; Mayor Kennedy and Planning/Development Director.

- Discussed first was Resolution 2011-122 which is a Resolution authorizing the Mayor to enter into an agreement with Cuyahoga County for the State Homeland Security Program and to provide grant funding for the Community Emergency Response Team (CERT) in the City of North Olmsted and declaring an emergency. The committee voted 3-0 to recommend approval of Resolution 2011-122.

Councilman Brossard, Chairman of the Streets & Transportation Committee:

The Streets & Transportation Committee met Tuesday, November 22, 2011 at 7:10 p.m. Present were committee members Brossard, Orłowski and Williamson, Council President Limpert; Council members Schumann and Mahoney; Mayor Kennedy and Planning/Development Director.

- Discussed was Resolution 2011-116 which is a Resolution authorizing the Director of Planning and Development to advertise for bids for the award of a contract to provide construction services for the Country Club Boulevard Streetscape Project, as detailed in the specifications on file in the Engineering Department, and authorizing the Mayor, following approval of the Board of Control, to contract for the same with the lowest and best bidder, and declaring

and emergency. The committee voted 3-0 to recommend approval of Resolution 2011-116.

### **AUDIENCE PARTICIPATION**

Donald Gallagher, 4246 Coe Avenue said the City Engineer told him to come to the Council meeting to address the flooding in the woods behind Birch School. Right now the water is about 150 feet wide from his house. It's about 600 feet long and extends along about 10 homes. When he first moved there, there was a culvert behind the school. There is no indication that they put a drain pipe in the culvert when they filled it. A mound was put behind the fire house when it was built, and the Engineer told him it was a natural basin. The water is deep – about 6 inches. He is concerned that after the winter it will thaw and flood and become a breeding ground for ducks, geese and mosquitoes. Mayor Kennedy said this is the first time he has heard about it, and he asked if it's school property. He said he and the Service Director will look into it. Councilman Orlowski said he would like to go over there as well and he is aware of the issue.

### **LEGISLATION**

Resolution 2011-111 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing the Mayor to enter into an agreement with Cuyahoga County for an Asset Transfer of Equipment from the FY2008 Urban Area Security Initiative Grant, and declaring an emergency. Councilwoman Williamson moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution 2011-111 adopted.

Resolution 2011-114 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing the Mayor to enter into a contract with the Cuyahoga County General Health District for the year 2012, and declaring an emergency. Councilwoman Williamson moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution 2011-114 adopted.

Resolution 2011-116 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing the Director of Planning and Development to advertise for bids for the award of a contract to provide construction services for the Country Club Boulevard Streetscape Project, as detailed in the specifications on file in the Engineering Department, and authorizing the Mayor, following approval of the Board of Control, to contract for the same with the lowest and best bidder, and declaring an emergency.

Ordinance 2011-118 introduced by Mayor Kennedy was given its second reading. An Ordinance amending Section 179.99 of Chapter 179 of the Administrative Code entitled "Department of Planning and Development" in order to create the position of Assistant Building Commissioner within the Division of Building, and declaring an emergency. Councilman Barker made a motion to suspend the rule requiring three readings. The

motion was seconded by Councilman Schumann. Roll Call: Barker, yes; Schumann, yes; Mahoney, no; Orlowski, yes; Williamson, yes; Kearney, yes; Brossard, yes. Suspension passes 6-1.

Dennis Lambert, 25057 Carey Lane asked why the city needs to expand the position and make another administrative position. Mayor Kennedy asked if Lambert was at the committee meeting and Lambert said no. Mayor Kennedy said that is the place where it's normally discussed but he will address it. Mayor Kennedy said with the city's developing and redeveloping and being at approximately 400%+, the city cannot let things fall through the cracks. This is adding to the building department which the city needs to do. Councilman Barker said to Lambert if he attended the committee meeting, he would know it's an Ass't Building Commissioner/Building Inspector. He will be on the streets working as well.

Councilman Barker moved for adoption. The motion was seconded by Councilman Schumann. Roll Call: Barker, yes; Schumann, yes; Williamson, yes; Orlowski, yes; Mahoney, yes with comment. While I agree we have the need for this particular position, I don't know that we need it with suspension. Roll Call continued: Kearney, yes; Brossard, yes. Ordinance 2011-118 adopted.

Ordinance 2011-120 introduced by Mayor Kennedy was given its second reading. An Ordinance authorizing the Mayor of the City of North Olmsted to enter into a two-year agreement with J.L. Hilton Company to provide amusement gaming machines at the North Olmsted Recreation Center.

Ordinance 2011-121 introduced by Mayor Kennedy was given its second reading. An Ordinance authorizing the Mayor of the City of North Olmsted to enter into a two-year agreement with Bob's Ice Cream, Inc., DBA Quality Quick Snacks, providing for vending services at the North Olmsted Recreation Center.

Resolution 2011-122 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing the Mayor to enter into an agreement with Cuyahoga County for the State Homeland Security Program and to provide grant funding for the Community Emergency Response Team (CERT) in the City of North Olmsted, and declaring an emergency. Councilwoman Williamson made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Mahoney and passed unanimously. Councilwoman Williamson moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Resolution 2011-122 adopted.

Ordinance 2011-123 introduced by Mayor Kennedy 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, 2011. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilman Barker moved for

adoption. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance 2011-123 adopted.

Ordinance 2011-124 introduced by Mayor Kennedy 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, 2012, as amended. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Schumann and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilman Barker moved for adoption. The motion was seconded by Councilman Schumann and passed unanimously. Ordinance 2011-124 adopted.

Ordinance 2011-125 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and establishing rates of compensation for various administrative and legislative personnel for the year 2011 by amending Section 6 to add the position of Assistant Building Commissioner and adjusting the minimum pay range for said position; amending Section 7 to add the position of Assistant Superintendent Maintenance and additionally retitling the Assistant Superintendent position to Assistant Superintendent Collections/Plant; amending Section 15 to prohibit vacation sell back for cash; eliminating Section 16 attendance bonus days; amending current Section 17 (hereinafter Section 16) boot allowance to add positions; and otherwise restating the compensation rates and descriptions for various administrative and legislative personnel for the years 2011 and 2012, and declaring an emergency. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Kearney. Roll Call: Barker, yes; Kearney, yes; Mahoney, no; Brossard, yes; Orłowski, yes; Schumann, yes; Williamson, yes. Suspension passes 6-1. Councilman Barker moved for adoption. The motion was seconded by Councilman Kearney. Roll Call: Barker, yes; Kearney, yes; Orłowski, yes; Brossard, yes; Williamson, yes; Schumann, yes; Mahoney, yes with comment. While I agree with the notion that we need and should hire an Ass't Building Commissioner and Ass't Superintendent at the Waste Water Treatment Plant, I do not agree and would object to the following portions of this legislation: Section 15 to prohibit vacation sell back for cash and elimination of Section 16 attendance bonus days. My vote is yes with objection to those clauses. Ordinance 2011-125 adopted.

Ordinance 2011-131 was introduced and placed on first reading by Mayor Kennedy. An Ordinance dispensing with an RFP process and authorizing the Mayor to enter into a contract with Professional Services Industries, Inc. to provide construction materials and special inspection services for the collection system improvement project, and declaring an emergency. Councilwoman Williamson made a motion to suspend the rules requiring three readings and formal committee review. The motion was seconded by Councilman Kearney and passed unanimously. Councilwoman Williamson moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Ordinance 2011-131 adopted.

Ordinance 2011-133 was introduced and placed on first reading by Mayor Kennedy. An Ordinance authorizing the Mayor to purchase one (1) new 2012 International 7500, together with related equipment for use in the Department of Public Service through the State Purchase Program; further authorizing the Mayor to execute necessary contract documents; and declaring an emergency. Councilwoman Williamson made a motion to suspend the rules requiring three readings and formal committee review. The motion was seconded by Councilman Mahoney and passed unanimously. Councilwoman Williamson moved for adoption. The motion was seconded by Councilman Mahoney and passed unanimously. Ordinance 2011-133 adopted.

Ordinance 2011-134 was introduced and placed on first reading by Mayor Kennedy. An Ordinance authorizing the Mayor to renew the contract between the City and Karrie Skall Tipton for the provision of professional gymnastics instruction services at the North Olmsted Recreation Center for an additional two (2) years.

Resolution 2011-135 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Director of Public Safety to participate in the Cuyahoga County Board of Health's asset transfer program in order to provide for \$3,935.55 in supplies for prevention of disease kits; and further authorizing the Mayor to accept the asset transfer and to execute an agreement, and declaring an emergency.

Resolution 2011-136 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor to execute the Cuyahoga County Business Attraction and Anti-Poaching Protocol.

Ordinance 2011-137 was introduced and placed on first reading by Councilman Schumann. An Ordinance designating the George Biddulph Home, located at 25896 Butternut Ridge Road, an official North Olmsted Landmark pursuant to Code Section 165.05, and declaring an emergency.

Ordinance 2011-138 was introduced and placed on first reading by Mayor Kennedy. An Ordinance amending Administrative Code Section 131.01 of the Codified Ordinances of the City of North Olmsted to provide authorization for the Mayor to sign and file grant application forms to obtain supplemental revenue or other tangible resources for the benefit of the City of North Olmsted, excepting however grants wherein city matching funds exceed expenditure limitation.

Resolution 2011-139 was introduced and placed on first reading by Mayor Kennedy. A Resolution approving the adoption of a fund balance reporting policy in compliance with the Governmental Accounting and Standards Board, specifically statement 54, and declaring an emergency.

## **MISCELLANEOUS BUSINESS**

Councilman Mahoney scheduled a BZD Committee meeting for Tuesday, December 13, 2011 at 7:00 p.m. to discuss Westfield Great Northern and Lucky Break Cafe. The Planning/Development Director is asked to attend.

Councilman Barker scheduled a Finance Committee meeting for Tuesday, December 13, 2011 at 7:15 p.m. to discuss 2011-138 and 2011-139. The Mayor and Finance Director are asked to attend.

Councilwoman Williamson scheduled a Public Safety Committee meeting for Tuesday, December 13, 2011 at 7:45 p.m. to discuss 2011-135 and a liquor permit. The Mayor or his designee is asked to attend.

Councilman Kearney scheduled a Recreation, Public Parks & Buildings Committee meeting for Tuesday, December 13, 2011 at 7:50 p.m. to discuss 2011-134. The Mayor is asked to attend.

Councilman Schumann scheduled a Intra-Governmental Relations Committee meeting for Tuesday, December 13, 2011 at 7:55 p.m. for interviews of appointments to Boards and Commissions. The Mayor 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 8:50 p.m.

---

Marie Gallo, Clerk of Council

---

Duane K. Limpert, President of Council