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

Also Present: Mayor Kennedy, Law Director Gareau, Clerk of Council Gallo, Safety Director Ritenauer, Planning Director Wenger, Human Resources Director Farver.

Absent: Councilman Mahoney

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 led by the Honorary Scout Officials.

Councilman Barker made a motion to amend the agenda to add Resolution 2010-77. The motion was seconded by Councilman Kearney and passed unanimously. Agenda amended to add Resolution 2010-77.

The minutes of the Council meeting of May 18, 2010 were approved as written.

President Limpert announced that the following legislation would be considered for passage under suspension of the rules: Second Reading – Ordinance 2010-56, Resolution 2010-58 & Ordinance 2010-68; First Reading – Resolutions 2010-74, 2010-75, 2010-76 & 2010-77.

INTRODUCTION OF HONORARY SCOUT OFFICIALS & MR. AND MRS. SCOUTING:

Annemarie Balfe, Troop 642     Girl Scout Co-Mayor
Adam Campbell, Troop 664     Boy Scout Co-Mayor
Aron Sil, Troop 664     President of Council
Samantha Oergel, Troop 1947     Council Member at-Large
Danny Talpas, Troop 204     Council Member at-Large
Kathryn Moorman, Troop 1947     Council Member at-Large
Laz Andrako, Troop 204     Ward I Council Member
Jennifer Martynowski, Troop 645     Ward II Council Member
Tyler Smith, Troop 630     Ward III Council Member
Derek Meadows, Troop 53     Ward IV Council Member
Jared Swiegard, Troop 630     Clerk of Council
SPECIAL LEGISLATION

Resolution 2010-75 was introduced and placed on first reading by Mayor Kennedy. A Resolution commending the achievement by Annemarie Balfe of the Gold Award in Girl Scouting. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilwoman Jones and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilwoman Jones and passed unanimously. Resolution 2010-75 adopted.

Resolution 2010-75 was read in its entirety and presented to Annemarie Balfe.

Resolution 2010-77 was introduced and placed on first reading by Mayor Kennedy. A Resolution commending the achievement by Dan Talpas of the Eagle Scout award in Boy Scouting. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilwoman Jones and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilwoman Jones and passed unanimously. Resolution 2010-77 adopted.

Resolution 2010-77 was read in its entirety and presented to Dan Talpas.

REPORTS

Mayor Kennedy:

- He presented Proclamations to Mr. and Mrs. Scouting. They were recognized by all in attendance.
- This Thursday, June 3, city representatives will be meeting with NOACA and ODOT to discuss funding opportunities for the reconstruction of Butternut Ridge Road with bicycle lanes as recommended in the Great Northern Multi Modal Transportation Plan.
- The next round of CDBG Municipal Grant applications have been announced by the County. Funding will be increased for 2011 with award levels of up to $500,000. The city’s CDBG Citizens Advisory Committee will begin meeting next month to determine a competitive project.
The city recently applied for the Assistance to Firefighters Grant. The city is asking for funding to purchase a new pumper and a new ambulance.

Hydrant restoration has started. All of Brook Park Road and half of Lorain have been completed so far.

The city and Polaris partnered to give a student experience in the city’s Fleet Division.

The Safety Department was present at the SITES Program Recognition for the SITES Class of 2010. The Safety Department and other city departments look forward to working with the Class of 2011.

The Service Department completed round one of its department cleanup of scrap materials. Round two will be starting shortly.

As a result of the Memorial Day Holiday, trash collection will be Thursday of this week. Please note that as a result of the high volume of trash during Memorial Day week, trash pick-up may be delayed.

On May 27, there was the Ninety and Over celebration at the Senior Center. There were about twenty seniors that were in their nineties including one who is going to be 100 July 4. Senior Center Administrator Jackie Anderson did a great job organizing this event.

On May 30, the marker dedication was held at the Unitarian Universal Church on Porter Road.

The Memorial Day Celebration was held May 31 and was a great celebration.

Last Tuesday and Wednesday, he traveled to Washington, D.C. to meet with several elected officials from the area. In a very short period of time, he was able to personally meet with Congressmen Dennis Kucinich, Steve LaTourette, Tim Ryan and Congresswoman Betty Sutton; Senators Sherrod Brown and George Voinovich. The purpose of this trip, which was not funded by the city, was to request financial assistance in the upgrades of the WWTP scheduled to begin next year.

The ice rink at the Recreation Center is currently closed for routine maintenance and is scheduled to re-open on June 15.

Attendance at this year’s Ice Show was over 1,500 paying customers; 100 more than last year.

Construction work is being performed on the exterior of the Recreation Center near the outdoor pool to address a safety concern with the decorative pillars. The work will be completed this week and the outdoor is scheduled to open on June 7.

Councilwoman Jones asked if the city is still accepting applications for part-time positions. Mayor Kennedy said he receives applications all of the time.

Director of Law Gareau:

- He attended the Memorial Day ceremony, and he complimented the Service Dept., Recreation Dept., Administration, Scouts, N.O. Schools and the VFW for doing an outstanding job organizing a great event.
• He had the occasion to counsel Mayor Kennedy on the issue of placing signs on city property, specifically signs promoting Relay for Life through the American Cancer Society. He has no knowledge of past policy, nor is there a written policy with respect to placing Relay for Life announcement signs on city property. The city has had a very long standing policy of not permitting the placement of any signs on the exterior of any city property. There are policies for community access and streetscape banners. The Relay was advised they can use the community boards at Dover and the Park. They have submitted an application. They can also use the right-of-way over the road, the city webpage and cable channel. Also, there are certain areas in the city in which no policy exists and speech is allowed to take place in the form of flyers, announcements etc: city hall lobby, Recreation Center and Senior Center. The legislation before Council tonight permits the placement of ribbons in the right-of-way on CEI poles assuming they can get permission from CEI. This is the exact same protocol offered to North Olmsted schools for Spirit Day in April. They approached the city and asked to place ribbons on poles. The problem was they requested it early in the week to put the ribbons up that weekend when Council wasn’t meeting until the following Tuesday, so it was not possible to accommodate that request. The Law Dept. will review the policies in the upcoming weeks and months regarding this issue.

• With respect to the plaza at Stearns and Lorain, the Vivianni Family Limited Partnership is currently behind $160,112.40 in property taxes. The Surf Shop across the street is behind $99,049.32. Between these two properties and the City of North Olmsted, there is a quarter million dollars in taxes that have not been paid. He has asked his Assistant Director of Law Carole Heyward to look further into this to pursue a claim against the property owners or to push the County to take action.

Director of Finance Copfer:

• The unaudited general purpose financial statements were filed with the State Auditor’s office last Friday, so they have met the compliance of reporting with the State. They are working on the finishing touches of the audit.

Council President Limpert, Chairman of the Committee of the Whole:

The Committee of the Whole met on Tuesday, May 25, 2010 at 7:30 p.m. Present were President Limpert; Council members Barker, Brossard, Jones, Kearney, Orlowski and Williamson; Administrative Assistant to the Mayor, Jane Leaver; Director of Law Gareau; Director of Finance Copfer; Director of Human Resources Farver; and Director of Safety Ritenauer.

• Discussed were Ordinances 2010-61, 2010-62, 2010-63, 2010-64, 2010-65 and 2010-66. With the passage of Issue 34, these Ordinances allow for the restructuring of certain departments of the city. 2010-61 abolishes the
Department of Community Life Services effective August 1, 2010. The Committee recommended approval of this Ordinance. Ordinance 2010-62 has the Recreation Dept. and Springvale Golf Course – which were previously under Community Life Services – under the direct supervision of the Mayor starting August 1, 2010. The Committee recommended approval of Ordinance 2010-62. Ordinance 2010-63 moves the Building Dept. and Engineer to the Planning Dept. The Committee recommended approval and an amendment was made to add Engineering Inspectors to the organizational chart. Ordinance 2010-64 moves the Divisions of Aging and Youth & Family Services, the Community Life Service Advisory Board and petty cash fund to the Dept. of Human Resources effective August 1, 2010. The Committee recommended approval of 2010-64. Ordinance 2010-65 removes the Division of Engineering from the Service Dept. and allows the Director of Public Service to act as the Director of Public Safety. The Committee recommended approval of 2010-65 with an amendment to the organizational chart to allow for a Public Works Commissioner. Ordinance 2010-66 removes the Division of Youth Services from the Safety Dept. and only oversees the Divisions of Police and Fire. This also allows the Director of Public Safety to act as the Director of Public Service. The Committee recommended approval of Ordinance 2010-66. The meeting adjourned at 8:59 p.m.

Councilwoman Williamson made a motion to amend Ordinance 2010-63 to add Engineering Inspectors to the organizational chart. The motion was seconded by Councilman Barker and passed unanimously. Ordinance 2010-63 amended.

Councilwoman Williamson made a motion to amend Ordinance 2010-65 to add Public Works Commissioner to the organizational chart. The motion was seconded by Councilman Barker and passed unanimously. Ordinance 2010-65 amended.

Councilman Barker, Chairman of the Finance Committee:

The Finance Committee met on Tuesday, May 25, 2010 at 7:00 p.m. Present were Committee members Barker, Jones and Kearney; Council members Brossard, Orlowski, and Williamson; Director of Finance Copfer, Director of Human Resources Farver, Director of Law Gareau, and Administrative Assistant to the Mayor, Jane Leaver.

- Ordinance 2010-56 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, 2010, as amended. Money was transferred from Civil Service to Human Resources for records storage, organization and clean up for a total of $870.00. $80 was transferred from Materials and Supplies to Contractual Services in the Service Dept. for membership in the Ohio Association of Public Safety Directors. In the Division of Building, $4,456 from Benefits out of the vacation buy-back was moved to salaries for intern seasonal work. In the Recreation fund, $66,125 capital outlay will be used for a truck, security cameras, demolition of concrete piers, renovation of the lobby and purchase of lane line reels for the pool. $37,531 was transferred from the Endowment and Grant fund
into the Division of Police materials and supplies. In Community Life Services, $31,010 was transferred from monies that were raised to help with the Food Cupboard and to help residents with prescriptions. $10,000 was added in Community Block Grant to cover additional architect fees for the Food Cupboard. $390 from a Federal Grant was put into Capital Outlay to purchase a document scanner. Councilman Barker made a motion to recommend approval of 2010-56 with suspension. The motion was seconded by Councilman Kearney and the Committee voted 3-0 to recommend approval of 2010-56.

- Ordinance 2010-68 is an Ordinance establishing and amending the range of compensation rates and salary ranges for administrative and legislative personnel to allow for support personnel in the Department of Planning, Division of Information Technology and Division of Building; and otherwise re-state the compensation rate ranges and descriptions for various administrative and legislative personnel for the year 2010, and declaring an emergency. In order to provide part-time support personnel to various departments not currently listed in the non-bargaining city employee salary ordinance, it is the desire of this Council to amend the current employee positions in Sections 5, 6 and 15 of the Salary Range Ordinance. It was discovered that there were no line items in the above departments to allow for the hiring of part-time help. In Sections 5, 6 and 15, Part D Support Personnel (Part-Time/Seasonal) starting at minimum wage and up to $9.00 per hour and Pay Type marked as PH was added. Councilman Barker made a motion to recommend approval of 2010-68 with suspension. The motion was seconded by Councilwoman Jones and the Committee voted 3-0 to recommend approval of 2010-68. The meeting adjourned at 7:12 p.m.

Councilman Orlowski, Chairman of the Environmental Control Committee:

The Environmental Control Committee met Tuesday, May 25, 2010 at 7:15 p.m. In attendance were Committee members Orlowski, Barker and Brossard; Council President Limpert; Council members Jones, Williamson and Kearney; Director of Law Gareau; Director of Finance Copfer, Director of Human Resources Farver; Director of Safety Ritenauer; Administrative Assistant to the Mayor, Jane Leaver; and guests.

- Resolution 2010-58 is a Resolution accepting a Conservation Easement to the City of North Olmsted for preservation of Riparian Floodplain pursuant to North Olmsted Codified Chapter 926, and declaring an emergency. M3 Realty LLC will convey a Conservation Easement to the City of North Olmsted on the rear property at 28450 Lorain Road, which is the Mercedes/Sprinter Auto Dealership location. The city is accepting the Easement in lieu of a third party conservation organization. This enables the Dealership to comply with Chapter 926 of the Codified Ordinances to promote the health, safety and welfare of the residents by maintaining a sensitive Riparian Setback area. Instituting the best management practices to control erosion, downstream settlement of sediments and enhance filtration of a watercourse will also help aquatic and animal populations flourish. Councilman Orlowski made a motion to recommend approval of 2010-58. The
motion was seconded by Councilman Barker, and the Committee voted 3-0 for approval of 2010-58.

- Resolution 2010-59 is a Resolution authorizing the Mayor to advertise for bids for the transportation and disposal of bio-solids from the Waste Water Treatment Plant and, subject to approval by the Board of Control, authorizing the Mayor to enter into an agreement. Previously there was only one bidder for the hauling of sludge to the Ottawa County Landfill near Port Clinton. The Safety Director presented costs for disposal from the Village of Lodi where a firm is located. To pick up, deliver and return to a home base in Lodi would entail five additional hours of hauling not defined in the comparison chart. This would entail five additional hours of tractor, fuel and driver costs. It currently appears that North Olmsted is the actual low cost provider for hauling sludge, and it may make more sense to expand internal hauling abilities and have a second hauler in case of emergencies. It may be possible to work with Lakewood or Rocky River’s Waste Water Treatment facilities as back up haulers. He commended the Safety Director for providing costs comparisons and hopes the comparisons and total costs are accurate and in-house abilities for savings are not diminished. Councilman Orlowski made a motion to recommend approval of 2010-59. The motion was seconded by Councilman Brossard, and the Committee voted 3-0 to recommend approval of 2010-59. The meeting adjourned at 7:30 p.m.

AUDIENCE PARTICIPATION

Dennis Lambert, 25057 Carey Lane referenced the Law Director’s comments regarding banners in the city. He thinks it’s a travesty that the school district would have had to wait until a Council meeting to get approval. Perhaps one of the Council members or Law Director can draw up legislation that exempts public bodies from having to get Council approval for banners; allowing that decision to be made by the Mayor himself. As for freedom of speech issues, it’s difficult to regulate anything. A Council resolution for a school system that wants to put banners up seems to be absurd. Whenever Frostville has an event, banners are all over Columbia Road and on the poles. Lambert asked if they have special permission to do that and Gareau said they do. It looks good because it’s supporting the community. He said he appreciated the fact that the Mayor paid for the Washington D.C. trip himself instead of using taxpayer dollars.

LEGISLATION

Ordinance 2010-50 introduced by Councilman Orlowski was given its second reading. An Ordinance amending Sections 1373.01 and 1373.02 of Chapter 1373 of the Building Code, entitled “Building, Zoning, Property Maintenance and other Nuisance Activities,” in order to provide for the abatement of public nuisances and the recovery of city response costs incurred as the result of the multiple recurrence of such nuisance activities on commercial property located in the City of North Olmsted, as amended.
Ordinance 2010-56 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, 2010. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilwoman Jones and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilwoman Jones and passed unanimously. Ordinance 2010-56 adopted.

Resolution 2010-58 introduced by Mayor Kennedy was given its second reading. A Resolution accepting a Conservation Easement to the City of North Olmsted for preservation of Riparian Floodplain pursuant to North Olmsted Codified Chapter 926, and declaring an emergency. Councilman Orlowski made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Barker and passed unanimously. Councilman Orlowski moved for adoption. The motion was seconded by Councilman Barker and passed unanimously. Resolution 2010-58 adopted.

Resolution 2010-59 introduced by Mayor Kennedy was given its second reading. A Resolution authorizing the Mayor to advertise for bids for the transportation and disposal of bio-solids from the Waste Water Treatment Plant and, subject to approval by the Board of Control, authorizing the Mayor to enter into an agreement.


Ordinance 2010-62 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing Chapter 131 of the Administrative Code entitled “Mayor” in order to provide for the organization thereof, and declaring an emergency.

Ordinance 2010-63 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing Chapter 179 of the Administrative Code entitled “Department of Planning” in order to re-characterize the Department of Planning as the Department of Planning and Development and to provide for the organization thereof, and declaring an emergency.

Ordinance 2010-64 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing Chapter 167 of the Administrative Code entitled “Department of Human Resources” in order to provide for the re-organization thereof, and declaring an emergency.

Ordinance 2010-65 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing Chapter 141 of the Administrative Code entitled
“Department of Public Service” in order to provide for the re-organization thereof, and declaring an emergency.

Ordinance 2010-66 introduced by Mayor Kennedy was given its second reading. An Ordinance amending and re-establishing Chapter 139 of the Administrative Code entitled “Department of Public Safety” in order to provide for the re-organization thereof, and declaring an emergency.

Ordinance 2010-68 introduced by Mayor Kennedy was given its second reading. An Ordinance establishing and amending the range of compensation rates and salary ranges for administrative and legislative personnel to allow for support personnel in the Department of Planning, Division of Information Technology and Division of Building; and otherwise re-state the compensation rate ranges and descriptions for various administrative and legislative personnel for the year 2010, and declaring an emergency. Councilman Barker made a motion to suspend the rule requiring three readings. The motion was seconded by Councilwoman Jones and passed unanimously. Councilman Barker moved for adoption. The motion was seconded by Councilwoman Jones and passed unanimously. Ordinance 2010-68 adopted.

Ordinance 2010-69 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of $1,050,000 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 2010-70 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of $800,000 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 2010-71 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of $905,000 for the purpose 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 2010-72 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of $1,015,000 for the purpose 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, and declaring an emergency. Councilman Barker stated he is in receipt of the Fiscal Officer’s Certificate.

Ordinance 2010-73 was introduced and placed on first reading by Mayor Kennedy. An Ordinance providing for the issuance and sale of Bonds in the maximum aggregate principal amount of $320,000 for the purpose 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, and declaring an emergency. Councilman Barker stated he is in receipt of the Fiscal Officer’s Certificate.

Resolution 2010-74 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Director of Public Service to advertise for bids for the award of a contract to provide new pavement markings to various streets at various locations in the city, as detailed in the specifications on file in the Service Department, and authorizing the Mayor, following approval of the Board of Control, if necessary, to contract for the same with the lowest and best bidder, and declaring an emergency. Councilman Brossard made a motion to suspend the rule requiring three readings. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Brossard moved for adoption. The motion was seconded by Councilman Kearney and passed unanimously. Resolution 2010-74 adopted.

Resolution 2010-76 was introduced and placed on first reading by Mayor Kennedy. A Resolution authorizing the Mayor, on behalf of the City of North Olmsted, to enter into an agreement with the American Cancer Society (Relay for Life), granting the latter permission to place promotional materials for the Relay for Life event on poles located in the city right-of-way, and declaring an emergency. Councilwoman Jones made a motion to suspend the rule requiring three readings. The motion was seconded by Councilwoman Williamson and passed unanimously. Councilwoman Jones moved for adoption. The motion was seconded by Councilwoman Williamson and passed unanimously. Resolution 2010-76 adopted.

**MISCELLANEOUS BUSINESS**
Council Minutes of 06-01-2010

Councilman Barker scheduled a Finance Committee meeting for 7:00 p.m. on Tuesday, June 8, 2010 to discuss Ordinances 2010-69, 2010-70, 2010-71, 2010-72 and 2010-73. The Director of Finance is asked to attend.

Councilwoman Jones scheduled a BZD Committee meeting for 7:00 p.m. on Tuesday, June 15, 2010 to discuss Welcome House and Clearwire. The Director of Planning is asked to attend.

Councilwoman Jones made a motion to excuse the absence of Councilman Mahoney. The motion was seconded by Councilman Kearney and passed unanimously. Councilman Mahoney excused.

With the agenda being completed and there being no further business to come before Council, President Limpert adjourned the Council meeting at 9:18 p.m.

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Marie Gallo, Clerk of Council      Duane K. Limpert, President of Council