

NAILAH K. BYRD
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Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
June 19, 2015 16:57

By: PATRICK J. GALLAGHER 0041919

Confirmation Nbr. 471632

ROBERT L. SWOPES

CV 15 847268

VTS.

Judge:

CITY OF OLMSTED FALLS, ET AL

JOHN J. RUSSO

Pages Filed: 14

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ROBERT L. SWOPE
c/o 614 W. Superior Avenue, Suite 1300
Cleveland, Ohio 44113

Plaintiff/Appellant

vs.

CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

OLMSTED FALLS CITY COUNCIL
26100 Bagley Road
Olmsted Falls, Ohio 44138

ANN MARIE DONEGAN
MAYOR
CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

KATHLEEN A. FENDERBOSCH
COUNCILMAN
CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

JAY LINN
COUNCILMAN
CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

LINDA GARRITY
COUNCILMAN
CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

CHARLES R. ("BOB") SCULAC
COUNCILMAN
CITY OF OLMSTED FALLS
26100 Bagley Road
Olmsted Falls, Ohio 44138

CASE NO. _____

JUDGE _____

NOTICE OF ADMINISTRATIVE
APPEAL FROM THE OLMSTED
FALLS CITY COUNCIL DECISION
OF MAY 26, 2015

AND

COMPLAINT FOR DECLARATORY
JUDGMENT

KEVIN ROBERTS	)
COUNCILMAN	)
CITY OF OLMSTED FALLS	)
26100 Bagley Road	)
Olmsted Falls, Ohio 44138	)
	)
TERRY DUNCAN	)
COUNCILMAN	)
CITY OF OLMSTED FALLS	)
26100 Bagley Road	)
Olmsted Falls, Ohio 44138	)
	)
SAMUEL PULICE, JR.	)
COUNCILMAN	)
CITY OF OLMSTED FALLS	)
26100 Bagley Road	)
Olmsted Falls, Ohio 44138	)
	)
Defendants/Appellees	)

COUNT ONE
(Administrative Appeal)

Appellant Robert L. Swope (“Swope”), pursuant to Ohio Revised Code §2506.01(A), hereby appeals to the Court of Common Pleas for Cuyahoga County, Ohio, on issues of law and fact, from the May 26, 2015 “nay” vote of the Olmsted Falls City Council and its Members upon the nomination of Swope for appointment to the position of full-time police officer for the City of Olmsted Falls. The bases for this appeal are that the “nay” votes of the City Council and its Members was unconstitutional, illegal, arbitrary, capricious, unreasonable and/or unsupported by the preponderance of substantial reliable and probative evidence on the whole record. A copy of the City of Olmsted Falls Minutes of a Regular Council Meeting for Tuesday, May 26, 2015 is attached hereto as **Exhibit 1**.

COUNT TWO
(Declaratory Judgment)

1. Robert L. Swope (“Swope”) is and has been a part-time police officer with the City of Olmsted Falls for nineteen (19) years.

2. In 2013, the Olmsted Falls Civil Service Commission administered a civil service examination for the position of full-time police officer for the City of Olmsted Falls (the “Examination”).
3. In 2013, Swope achieved a passing grade upon the Examination.
4. In 2013, Swope was placed upon the Eligibility List for the position of full-time police officer for the City of Olmsted Falls (the “Eligibility List”).
5. In 2013, the Olmsted Falls Civil Service Commission certified the Eligibility List.
6. In 2015, pursuant to Section 4.03 of the Olmsted Falls Charter, Mayor Donegan nominated Swope to the Olmsted Falls City Council for appointment to the position of full-time police officer for the City of Olmsted Falls.
7. Section 4.3 of the Olmsted Falls Charter provides:

Council shall, within thirty (30) days after receiving notice of a proposed appointment from the Mayor, either confirm or reject such appointment. Confirmation requires the affirmative vote of a majority of the members elected to Council, and failure to confirm shall constitute a rejection. If Council does not either confirm or reject such appointment within the time specified, the appointment shall take effect as if the appointment had been confirmed by Council. If Council rejects a proposed appointment, *the reason or reasons shall be entered in the journal and submitted in writing to the Mayor prior to the next regular Council meeting.*

(emphasis added).

8. At a meeting of the Olmsted Falls City Council on May 26, 2015, Council Members Pulice, Roberts, Sculec, Fenerbosch and Duncan voted “nay” upon the nomination of Swope.
9. Olmsted City Council and its members failed to enter the reason or reasons for voting “nay” upon the nomination of Swope in the journal and failed to deliver to Mayor Donegan in writing the reason or reasons for voting “nay” upon the nomination of Swope prior to the next regular Council meeting.
10. As a result of the failure of Olmsted City Council and its members to enter the reason or reasons for voting “nay” upon the nomination of Swope in the journal and failure to deliver to

Mayor Donegan in writing the reason or reasons for voting "nay" upon the nomination of Swope, City Council and its members have failed to either confirm or reject Swope's appointment.

11. The Charter requires that, as a result of the failure of Olmsted City Council and its members to confirm or reject Swope's appointment, the appointment of Swope shall take effect as if the appointment had been confirmed by Council.

12. Pursuant to Ohio Revised Code §2721.03, Swope is entitled to judgment declaring that, as a result of the failure of Olmsted City Council and its members to confirm or reject Swope's appointment, the appointment of Swope has taken effect as if the appointment had been confirmed by Council.

WHEREFORE, Appellant Robert L. Swope respectfully requests that this Honorable Court order the following:

- I. That the appointment of Plaintiff Robert L. Swope as full time police officer for the City of Olmsted Falls has taken effect as if the appointment had been confirmed by the Olmsted Falls City Council; and,
- II. That Plaintiff be awarded the costs of these proceedings, reasonable attorney fees and any other relief this Honorable Court deems just and equitable.

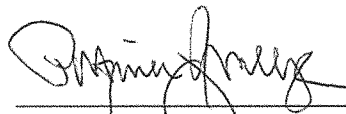
Respectfully submitted,



PATRICK J. GALLAGHER (0041919)
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Attorneys for Plaintiff/Appellant Robert L. Swope

PRAECIPE FOR TRANSCRIPT

Pursuant to Ohio Revised Code §2506.02, Appellant Robert L. Swope hereby demands that Defendants file with the Clerk of this Court within 40 days after service of the instant Notice of Appeal a complete transcript of the proceedings of May 26, 2015 before the Olmsted Falls City Council including all materials provided to members of Olmsted Falls City Council concerning or relating to the appointment of Robert L. Swope. Request is hereby made that Defendants provide a copy of said transcript to the undersigned counsel for Robert L. Swope.



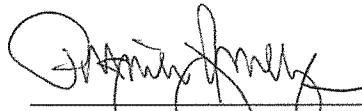
PATRICK J. GALLAGHER (0041919)
Attorney for Plaintiff/Appellant Robert L. Swope

CERTIFICATE OF SERVICE

A copy of this Notice of Administrative Appeal From The Olmsted Falls City Council Decision of May 26, 2015 and Praecipe was served on June 19, 2015 via Federal Express upon the following:

City of Olmsted Falls
26100 Bagley Road
Olmsted Falls, Ohio 44138

Olmsted Falls City Council
Clerk of Council
26100 Bagley Road
Olmsted Falls, Ohio 44138



PATRICK J. GALLAGHER (0041919)
Attorney for Plaintiff/Appellant Robert L. Swope

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, May 26, 2015, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:30 p.m.

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan Council called the meeting to order at 7:31 p.m. Roll call was conducted. Councilmen Kathleen Fenderbosch, Jay Linn, Linda Garrity, Bob Sculac, Kevin Roberts, Terry Duncan, and Sam Pulice were present.

Also in attendance: Gregory Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, and Rosann Jones, Manager of Business and Community Services. Audience: 18.

Approval of Minutes:

Mr. Sculac moved to **approve** the minutes from the Council Caucus Meeting of May 12, 2015; Ms. Garrity **seconded**. Poll: 4 ayes; 0 nays; 3 abstains (Linn, Pulice, Duncan). **Motion carried.**

Ms. Fenderbosch moved to **approve** the minutes from the Regular Council Meeting of May 12, 2015; Mr. Roberts **seconded**. Ms. Garrity requested a typographical change as well as revise her report to reverse University Hospital and Metro Hospital explanation. Poll: 4 ayes; 0 nays; 3 abstains (Linn, Duncan, Pulice). **Motion carried.**

Mr. Sculac moved to **approve** the minutes from the Special Council Meeting of May 18, 2015; Ms. Garrity **seconded**. Poll: 5 ayes; 0 nays; 2 abstains (Duncan, Linn). **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Donegan indicated that she has brought forward her recommendation of hiring Officer Bob Swope from a part time status to full time status. She is very proud to offer that recommendation and put that forward. Officer Swope has worked in many capacities over almost two decades now in Olmsted Falls most recently as a part time officer and also a DARE officer. The candidates for this position were thoroughly vetted by Chief Veloski, Chief Gilles, Santo Incorvaia, Sgt. Rogers and myself. We also added something as a result of the Blue Ribbon Committee recommendations and have done and run extensive further background checks that were not previously implemented so there were initial background checks run if in fact they became a part time officer but we vetted and reviewed that further extensively from the part time to full time. I attached a number of letters of support and recommendation. This appointment is obviously contingent upon additional testing like polygraph and other tests and I would ask for a motion to appoint Officer Swope to a full time police officer.

Mr. Linn moved to **appoint** Officer Swope to a full time police officer in the Olmsted Falls Police Department; Ms. Garrity **seconded**.

EXHIBIT
1

Ms. Fenderbosch indicated that she had a meeting with the Mayor and is sorry that Officer Swope is here but her job is to look into things and make decisions. One of her big concerns is that you had the Clerk email the Civil Service Commission to delay certifying the new list for the test that was taken May 4th. Mayor Donegan replied that she has many prerogatives as Mayor and Safety Director and that list does not set to expire until the 29th of this month.

Ms. Fenderbosch replied exactly but you asked them to delay it and I don't know that we need to be in committees and telling them what to do whether its legal or not they have a job to do. Basically, what the chairman said was "I would think that it would be prudent and wise to wait at this late date to interview candidates from the new list. We had several part timers on the Olmsted Falls Police force that took the most recent exam on May 2nd or will the candidates that are being interviewed not going to be on the new list I would think that any legitimate and viable part timer would not only be on the 2013 list but on the upcoming 2015 replacement list." It was interesting because she had a fellow driver tell me that Officer Swope did not pass the newest exam.

Mayor Donegan indicated to Ms. Fenderbosch that she is the Mayor and Safety Director and has put forward a nomination for a full time police officer and would respectfully request that Council vote on that.

Mr. Roberts indicated that Council has the right to have a discussion and would like to hear the full discussion.

Ms. Fenderbosch requested to call the vote.

Poll: 2 ayes; 5 nays. (Pulice, Roberts, Sculac, Fenderbosch, Duncan). **Motion Fails.**

Mayor Donegan apologized to Officer Swope.

Officer Swope stated that he was very disappointed in the Council and has been with the City for 19 years and they do not know the whole story.

Mayor Donegan again apologized to Officer Swope and thinks it is extra ordinarily interesting. She asked Chief Gilles if he had any comments. Chief Gilles replied not at this time.

Mayor Donegan indicated to Mr. Roberts that she spoke with Director Borczuch who is not available today but he passed out extensive plans for the service garage at the last Caucus and he handed it to you personally. The service garage plans he had packets for everyone. Mr. Roberts indicated that those were the generic plans. Mayor Donegan replied that was all the City has so far. Mr. Roberts stated that he indicated he would like to know what went out with the RFP.

Mayor Donegan stated that the Allied Waste audit is something that is extraordinarily important because if we don't understand where we came from and the errors that we made, we cannot move forward we are doomed to repeat them. As uncomfortable as those issues of collecting finances and those obligations that your former Mayor and former Finance Director had in not necessarily collecting them it is extremely important because she will not continue to be complicit in that.

Mayor Donegan stated that on June 9th Olmsted Recreation will be making a presentation and on June 23rd Chief Munteanu will make a presentation.

She put a packet regarding Council absences together and would like to read it into the record. (See attached).

Mr. Linn indicated that he has a question that is burning at him right now. He stated to Ms. Fenderbosch that as Council President why she did not notify any one of the information that you obviously knew before you came to this meeting. He was not notified by the Chairman of the Civil Service Commission and she had the information when she came tonight. Ms. Fenderbosch replied that he heard it on the floor and it is not her responsibility to do your homework just as the Mayor said before or the research she spent plenty of time. Mr. Linn indicated that if there is information it should be shared between Council people especially something that is as impertinent as that he would think it's significant to share with your colleagues. Ms. Fenderbosch replied that was Mr. Linn's opinion.

Mayor Donegan indicated that it is fundamental on how toxic this body is.

Ms. Garrity stated that on her street last night there were three police cars and the whole neighborhood was like gathering outside wondering what's happening on our little quiet street. For herself, she considers the fire and police all high risk activities. We just had the same conversation in the work session how we are not sharing information and this to me is very high risk. She stated that people wanted to appoint her Pro-Temp two years ago and she indicated that she did not have time she is Council-at-Large and knows the responsibility that it takes for Council President or Council Pro-Temp it's a big job because you have to communicate. She sits as Council-at-Large and doesn't even know what the Council President's talking about so it puts her in a very bad light. If it was anything other than high risk activities she would say ok, but this seems very vital and it seems like it's very under the table. She feels that she has to look like under the table to see exactly what's going on there's a lot hidden, occult information. She is also disappointed because Council President, it's a big job, and she feel like there is some members over there that always know what's going on. She stated that she is not laughing and would ask that no one laugh or smile. She stated that everybody that voted no obviously knows something that she does not know.

Mayor Donegan stated that this was all meant to be toxic, disruptive, embarrassing, out of line, inappropriate and horrible absolute epitome of just what this tenure since she has started is all about. She is going to conduct business and is not going to take any more comments. She is embarrassed because there is absolutely no reason that that officer is not full time.

Mr. Sponseller suggested moving onto the next agenda item.

Mayor Donegan then read into the record the ABR Guidelines Memo dated May 20, 2015 (see attached). She stated that in other words, if you speak to Ms. Garrity as a standing Council liaison to ABR, all cases regarding all paint choices always go to the ABR meeting. Unfortunately, that has not been the case.

Mayor Donegan thanked Ms. Duncan for actually taking the time to write an article that she would like placed in the newsletter. She would suggest that if Council has any intention of any content you would like to see specifically placed in the newsletter that you take the time to write the article.

Mayor Donegan stated that she will need to make one appointment to ABR, one Environmental Protection Board appointment that will be effective the first of the year, and two park and recreation board appointments.

She indicated that there will be new landscaping in front of Drug Mart that she will be working on with Ms. Jones.

She stated that MLK Day, which is a holiday the City has not officially celebrated is on second reading this evening.

She stated that the City has a new website and Facebook and Twitter. The City has very limited staff completing a lot of assignments and if anyone has time they could help with the website she would appreciate that. She is also looking at outsourcing this function as the current Clerk of Court/Clerk of Council cannot fulfill the obligations of a brand new website, keeping it current and keeping it real.

She requested approval of the Bailey Communications requisition for IT services.

Mr. Sculac moved to **approve** Requisition 20019 to Bailey Communications for the annual maintenance agreement dated 04/27/15 to 4/26/16 in an amount not to exceed \$15,498.00; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Roberts). **Motion carried**.

She requested approval of the ThyssenKrupp Elevator Corporation maintenance agreement.

Ms. Garrity moved to **approve** Requisition 20694 to ThyssenKrupp Elevator Corp for the annual maintenance for the City Hall elevator in an amount not to exceed \$3,011.53; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Communications from Residents - None

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2015-10; Ms. Fenderbosch **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Officials Reports:

Rosann Jones, Manager of Business & Community Services

Ms. Jones stated that Ordinance 27-2015 is on third reading this evening and she would request adoption. This is to update the fair housing ordinance which is completed regularly in preparation of the Community Development Block Grant Applications.

Regarding 30-2015 which speaks specifically to the CDBG application she would request Council to table this resolution as she will be attending a meeting with County Department of Development tomorrow at which time she will get a better sense of the projects available to the CDBG funds.

She would like to complete another Great Lakes Publishing publication. She stated that since she has been in her position only two of the publications have been solely for the City of Olmsted Falls. We have published a couple jointly with the Township and the Chamber of Commerce. The ones she felt

the best promoting our City were the ones that were specifically about our City. We have this opportunity and we are developing a new logo she feels this publication would be timely. A publication would come out in October and would be an insert in Inside Business magazine, which is distributed to 16,000 people. She receives this publication as well as others in her same position and developers. This is a good magazine to be a part of when you have properties you are looking to advertise. The cost of mailing the publication to the residents is \$1,300.00 and the cost of a full page discounted ad that we would purchase to show good will would be \$1,700.00. She would like to propose that the \$1,300 come from the general fund for the mailing and the \$1,700 be taken from her department budget. Ms. Duncan asked if the City would receive its new logo by then. Ms. Jones replied that we would.

Ms. Duncan moved to engage Great Lakes Publishing for an amount not to exceed \$3,000.00 for a community publication; Mr. Pulice seconded. Poll: 7 ayes; 0 nays. Motion carried.

Steve Presley, Finance Director – No Report

Mike DeSan, Asst. Finance Director – No Report

Dan Gilles, Police Chief – No Report

Councilman, Sam Pulice, Ward IV

Mr. Pulice stated that he noticed the work taking place at the underpass on Columbia Road with Morton's and there has been discussion regarding the sidewalk damage and he knows when the work initially began for landscaping they were parking their dump trucks and excavators on the sidewalks as they are working and he has noticed that they are currently doing the same thing. This cannot be good for the sidewalks in the area and would like to know if they will be responsible for the repairs if they continue doing this or even from passed behaviors. Mayor Donegan asked if he spoke with the Service Director. Mr. Pulice indicated that Mr. Borczuch was not present and he is sure that he does know. Mayor Donegan indicated that she is unsure if he does know, but, if you recall from information she forwarded to him and we discussed early on in her term, these sidewalks have had major infrastructure issues. She believes within the first year, which was not during her term, the sidewalks dropped at least two to three inches so the sidewalk damage has been occurring since the bridge was opened up. She believes where this issue was left was that we will need to complete a thorough investigation by pulling up the sidewalks and finding out exactly where the defect is. Unfortunately, there are many competing priorities as this job should have never been approved when it was years ago and we are now left with cleaning up another mess. She will pass along this information to Director Borczuch and indicated that Mr. Pulice is free to also make a phone call.

Councilman Charles R. Sculac, Ward I – No Report

Councilman Kevin Roberts, Ward II – No Report

Councilman Kathleen Fenderbosch, Council President

Ms. Fenderbosch indicated that she would like to schedule the Council Work Session next Monday, June 1st, from 7:00 p.m. to 9:00 p.m. She would ask that Council inform the Clerk if they are available that date.

Councilman Jay Linn, Council-at-Large – No Report

Councilman, Terry Duncan, Ward III – No Report

Councilman Linda Garrity, Council-at-Large – No Report

Gregory M. Sponseller, Law Director – No Report

Old Business

Ordinance 26-2015

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE EARLY PAY OUT OF A PORTION OF SICK TIME TO QUALIFYING EMPLOYEES WHO SO ELECT AFTER ANNOUNCING IMMINENT RETIREMENT **Third Reading**

Mr. Sculac moved to **table**; Mr. Pulice **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Ordinance 27-2015

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 623, FAIR HOUSING, AND REAFFIRMING ORDINANCE NOS. 12-89, 18-99, 74-2004 AND 74-2007 PROHIBITING DISCRIMINATORY HOUSING PRACTICES IN THE CITY OF OLMSTED FALLS, OHIO **Third Reading**

Ms. Duncan moved to **adopt**; Ms. Garrity **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Resolution 28-2015

A RESOLUTION DECLARING THE NECESSITY FOR PROVIDING FOR THE PAYMENT OF STREET LIGHTING IN THE CITY OF OLMSTED FALLS, OHIO, THE COST OF WHICH WILL BE PAID BY SPECIAL ASSESSMENTS UPON ALL PROPERTIES BENEFITED AND DECLARING AN EMERGENCY **Third Reading**

Ms. Duncan moved to **adopt**; Ms. Fenderbosch **seconded**. Mr. Linn asked if this is an ongoing or increase in the assessment for street lighting. Mayor Donegan indicated that the assessment will be the same amount although the finance department, for the first time ever, is looking at vendors to actually work in the future years to bring these costs down. Her intention is that all of these assessments or things we add on that we look to resolve them and bring them back into the general fund and worry about that actual persons pocket book regardless of what goes to the schools and what goes to the city. She understands that it is the same amount. This will go down to the County before September 1st and Council if you so request can get a copy of the list and is something that will be put on the tax duplicate as we always do. Mr. Linn replied at the same amount that it currently is. Mayor Donegan stated that is correct, but, it might change and may decrease but will not increase. Poll: 7 ayes; 0 nays. **Motion carried.**

Resolution 29-2015

A RESOLUTION DECLARING THE NECESSITY OF CONTROLLING THE BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS-OF-WAY, AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF OLMSTED FALLS; ESTABLISHING A SINGLE DISTRICT FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS

OF SECTION 727.011 OF THE OHIO REVISED CODE; PROVIDING FOR THE ASSESSMENT OF THE COST OF THOSE SERVICES AND DECLARING AN EMERGENCY **Third Reading**

Ms. Fenderbosch moved to **adopt**; Ms. Duncan **seconded**. Mayor Donegan indicated that this is the same as Resolution 28-2015 they are not asking for any additional monies and she believes this collects approximately \$30,000 in Shade Trees on an annual basis. Again, she posed the question last year to Director Borcuch and again this year, at some point we need to absorb those things and even though they might be a quarter here or fifty cents here we need to try and become self-sufficient as an organization and not assess for every single thing that we need. This is assessed every two years and the amount has remained the same for many many years. **Poll: 7 ayes; 0 nays. Motion carried.**

Resolution 30-2015

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION ON BEHALF OF THE CITY OF OLMSTED FALLS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FOR FISCAL YEAR 2016, ACCEPTING SAID GRANT IF AWARDED, REQUESTING THE CUYAHOGA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT PERMISSION TO PARTICIPATE IN A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND DECLARING AN EMERGENCY **Third Reading**

Mr. Sculac moved to **table**; Ms. Duncan **seconded**. Mayor Donegan indicated that the city is looking at an elevator to be installed at the other end of the hall for not only the activities on the second floor but also for senior's. **Poll: 7 ayes; 0 nays. Motion carried.**

Resolution 31-2015

A RESOLUTION ESTABLISHING MARTIN LUTHER KING, JR. DAY AS A LEGAL HOLIDAY IN THE CITY OF OLMSTED FALLS, OHIO **Second Reading**

Resolution 32-2015

A RESOLUTION REQUESTING AND CONSENTING TO AN EMERGENCY ROAD MAINTENANCE PROJECT BY THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR 2015 AND DECLARING AN EMERGENCY **Second Reading**

Resolution 33-2015

A RESOLUTION AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENGAGE ENGINEERING SERVICES FOR, AND TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY **Second Reading**

New Business

Resolution 34-2015

A RESOLUTION SUPPORTING INDEPENDENTS WEEK, JULY 1 THROUGH JULY 7, 2015, AND DECLARING AN EMERGENCY **First Reading**

Resolution 35-2015

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF OLMSTED FALLS, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2016 AND DECLARING AN EMERGENCY **First Reading**

Mr. Sculac asked if this Resolution could run three readings. Mayor Donegan indicated that we plan for all business conducted to run three readings and before alleged recess.

Ordinance 36-2015

AN ORDINANCE ESTABLISHING THE SALARY AND COMPENSATION FOR THE OFFICE OF MAYOR OF THE CITY OF OLMSTED FALLS COMMENCING JANUARY 1, 2018 AND THEREAFTER **First Reading**

Resolution 37-2015

A RESOLUTION AUTHORIZING, RATIFYING, AND AFFIRMING THE AWARD AND EXECUTION OF A CONTRACT FOR THE CITY SENIOR CENTER PROJECT TO STERLING PROFESSIONAL GROUP AS LOWEST AND BEST BIDDER, AND DECLARING AN EMERGENCY **First Reading**

Ms. Fenderbosch asked if the Mayor would like this resolution suspended, waived and adopted. Mayor Donegan replied please as we have already made a motion and this legislation ratifies the legal requirements.

Ms. Fenderbosch moved to **suspend**; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays; 1 abstain (Roberts). **Motion carried**. Ms. Fenderbosch moved to **waive** the reading in its entirety; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays; 1 abstain (Roberts). **Motion carried**. Ms. Fenderbosch moved to **adopt**; Ms. Duncan **seconded**.

Mayor Donegan indicated that one of the things to increase in the communication was something that she put forward and that is the information that is supplied with the legislation where we actually asked about action requested where we are asking Council, if you read it, what we would like you to do, the background and justification for the approval, the financial impact and the next steps. She wanted to call Council's attention to this as information that is 99.9% provided for you on a piece of legislation. Mr. Sculac stated that the grant was in the amount of \$150,000 on top of that we are paying Ms. Colozza for the project manager. Mayor Donegan replied \$7,500.00. Mr. Sculac continued to state that we are paying the architect over and beyond that. Mayor Donegan replied \$14,000. Mr. Sculac stated that this brings the total to approximately \$165,000 and then we are also looking at furnishing the facility which he would guesstimate the cost to be another \$10,000 so we are looking at \$175,000 project out of \$150,000 grant and asked where we were planning to come up with the other \$25,000. Mayor Donegan indicated that the \$14,000 for Mr. Pusti, and the \$7,500 is from the general fund, she is assuming, she is not certain that we will need any money at this point

for any of the rooms. If you recall, we have three rooms that are scheduled, one will have pretty much the Historical Society, the third room will have a dais from the old South Hall and other chairs and then we really gutted the library and there were some donations that Ms. Lowery had received as well as she and Ms. Jones are looking for donations. We have quite a bit of furniture and although Director Borczuch will say you don't want to put old stuff in a new space, there are wonderful bookcases, because if you look at the middle room which will be the hub of the senior center we have a couple lazy chairs, we will be getting the large TV back from the Community Center for Wii, there is a pinochle table and a number of other kinds of dining chairs, dining areas that will also be for the kitchen, there are various craft tables and various other kinds of things. She is not certain that we will be looking for any massive expenditure. If you recall, in the options within the grant, we options of window treatments, floor outlets and some other things that could have brought that \$150,000 down, you didn't do that, so yes, in addition to the \$150,000 there is \$14,500 for Pusti and \$7,500 for the oversight from Ms. Colozza. The extra \$20,000 will be from the general fund. Ms. Fenderbosch stated that she knows this is not going to have any type of a kitchen in it, correct. Mayor Donegan replied there is a kitchen. Ms. Fenderbosch asked if there would be what the Board of Health determines is needed in order to cook and feed people. Mayor Donegan indicated that there will be a stove, microwave, refrigerator, counter, there is a sink, coffee pot. The senior's could not cook for a band of 500 in the old library or Jenkins they can warm things up if they want to, but, you have to keep in mind that there are many different demographics within the older adult population some of which want to be engaged in iPad's and computers and others in crafts, not necessarily around cooking. All of the activities that have been done to date have been well regarded with food that has been donated. Poll: 6 ayes; 0 nays; 1 abstain (Roberts). **Motion carried.**

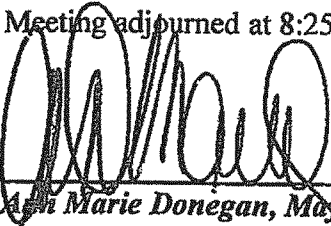
Ordinance 38-2015

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID CHARGES AND/OR OTHER MISCELLANEOUS CHARGES APPLICABLE TO DELINQUENT OWNERS OF LAND FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY **First Reading**

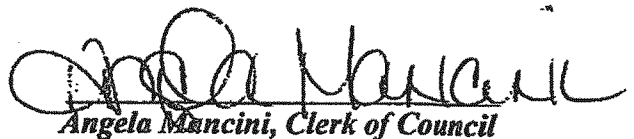
Miscellaneous New Business - None**Such other business that may come before Council - None**

Mr. Sculac moved to adjourn; Ms. Fenderbosch seconded. Poll: 7 ayes; 0 nays. **Motion carried.**

Meeting adjourned at 8:25 p.m.



Ash Marie Donegan, Mayor



Angela Mancini, Clerk of Council