

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, September 13, 2016, 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 7:32 p.m. Roll call was conducted. Councilmen Jay Linn, Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller were present.

Also in attendance: Santo Incorvaia, Asst. Law Director/Prosecutor, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, Joe Borczuch, Service Director, Rosann Jones, Manager Business & Community Services, William Trainee, Interim Police Chief, and Robert Arida, Acting Fire Chief. Audience: 5.

Approval of Minutes:

Mr. Sculac moved to **approve** the minutes from the Special Council Meeting of June 21, 2016; Ms. Duncan **seconded**. Ms. Garrity stated that she believes she indicated that the swales were blocked and the minutes stated removed. Mayor Donegan stated that there have been individuals who have removed their swales. Mr. Linn suggested using the term “eliminated.” Poll as amended: 5 ayes; 0 nays; 2 abstain (Miller, Stibich). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Regular Council Meeting of June 28, 2016; Mr. Stibich **seconded**. Ms. Garrity indicated that Ms. Jones reported that the city did not apply for a grant and she would like to add CDBG Grant in order to clarify which grant. Poll as amended: 7 ayes; 0 nays. **Motion carried.**

Mr. Stibich moved to **approve** the minutes from the Finance Committee Meeting of June 28, 2016; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Stibich moved to **approve** the minutes from the Special Council Meeting of August 3, 2016; Mr. Miller **seconded**. Mr. Haviland indicated a couple of typographical errors. Ms. Garrity stated that the statement made by Judge Donnelly does not seem accurate. Mayor Donegan suggested that the Clerk listen to the recording again in order to clarify the statement. She suggested that Council hold these minutes until the next regular Council meeting. Mr. Miller removed his second and Mr. Stibich removed his motion to approve.

Consideration of Amendment to the Agenda

Mayor Donegan stated that after executive session there maybe business Council will need to address.

Mayor’s Report and Appointments

Mayor Donegan stated that Council received a memo from Chief Arida regarding the hiring of a full time firefighter/paramedic. She stated that Mr. Bromund has been interviewed twice within the last year. The department currently has five full time firefighters and usually have seven full time firefighters.

Mr. Stibich moved to **appoint** Ty Bromund to a full time firefighter/paramedic position within the Olmsted Falls Fire Department, pending outcome of background checks; Ms. Garrity **seconded**.

Chief Arida stated that currently Mr. Bromund is on staff part time and is full time in Strongsville and also works at the hospital. He believes Mr. Bromund will be a good fit within the department and he is excited to have him come on board full time. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan indicated that Chief Traine distributed information regarding Mr. Andrew Vance.

Mr. Linn moved to **appoint** Andrew Vance to the position of reserve police officer within the Olmsted Falls Police Department; Mr. Haviland **seconded**.

Chief Traine indicated that Mr. Vance has been an auxiliary officer for three years; he also attended Olmsted Falls High School and has an unblemished record. This gentleman is 23 years old and when he took a polygraph test for the Metroparks he passed with glowing colors. He is attempting to obtain a position in law enforcement and he paid \$6,000 to put himself through the police academy. Chief Train stated that he would like to put him in a reserve officer position in the hopes of one day moving him to a part time position. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan indicated that the Ohio Checkbook is a program offered by the Ohio Treasury's office. The city made a commitment approximately one year ago to pursue this program. This is part of the transparency and allows the residents to assess the program to see how the city is spending the funds. There are 420 sites in the State of Ohio that are active with another 811 committed. The city has already uploaded for consideration 2013, 2014 and 2015 and will go back to 2006. There is no charge to the city for this program. She received the information from Mr. Presley. Please keep in mind that the city has a small finance department staff who are challenged to do more than the finance department has ever been before. This program will not be rolled out until 2017 as the bugs are worked out with names of departments that the program makes consistent. Additionally, 2014, 2015 and 2016 reports are more detailed than previous years.

She stated that September 17th through the 23rd is Constitution Week and the Daughters of America asked for a Proclamation which she obliged.

She stated that Village of the Falls has been purchased by The Springer Health Care System. She and Ms. Jones met with the new owners. She stated that Ms. Jones will help navigate potential zoning changes as they expand as they will be offering the traditional Sniff, therapies and P.T. and will bring 37 jobs to the community and \$275,000 in combined revenues.

Medical Marijuana – Mayor Donegan felt that until the city has an opportunity to review the new laws a moratorium for at least six months was appropriate. This time frame seems to be what generally the Mayor's and Managers Association was recommending as well as some of our contiguous communities.

Mayor Donegan stated that a railroad meeting has been scheduled for September 21st. We are lucky to get the attention of the PUCO and The Rail Commission. She would like to ask Council to adopt Resolution 48-2016. We have been collecting the data for each blockage and stopped train, which has been painful for the police department. She believes that this data speaks for itself and has caught the attention of these entities.

Phase V – Mayor Donegan is anticipating that we are going to bring forward, if Mr. Presley can get everything completed with Mr. Sharb, a Resolution of Necessity at the next Council meeting. She would ask for strong consideration of adoption on first reading. She indicated that if Council would prefer she could have Mr. Sheehy in attendance. She has three individuals who will serve on the Board of Equalization, which is a necessary component of the assessment process and will occur at the end of October or November. These individuals include Ms. Migliorino, Mr. Maichle and Mr. Sprague.

Mayor Donegan indicated that she would like to request a motion from Council to increase the previously approved motion to Kovatch for the repairs to the ladder truck. Those additional costs are \$1,699.11.

Chief Arida stated that he received some conflicting information. After researching today, he discovered that the original quote does state at the bottom “additional damage found will be additional parts and labor.” Kovatch completed their original work, per the quote, but did find additional damage. He stated that someone was told that the additional cost was \$600.00, unfortunately he cannot locate any documentation with this amount. He was contacted by Kovatch who indicated to him that they did discover additional damage and the pump would need to be replaced, he gave permission to replace the pump due to the fact that the truck could not be placed into service without it. His impression was that the additional cost would be \$600.00. He requested that Mr. Melton contact Kovatch and he was informed that the cost of the part was \$1,371.00 and indicated that they never gave a price of \$600.00. If you factor in the cost of the part with labor the total comes to \$1,700.00. He stated that he would like to dispute the additional costs as they were never approved but he does not believe that he can since the work has been completed. He stated that a detailed expense report will be forwarded to the department. Mr. Linn stated that in Ohio mechanics are allotted a 10% variance from a written quote. He stated that with an \$800,000 piece of equipment he would suggest getting it back into service.

Mr. Miller moved to **increase** the previously approved requisition to Kovatch in an amount not to exceed \$1,699.11; Mr. Linn **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

As you know, we are getting the necessary repairs to Mapleway and Bagley. When the negotiated for extras with the bridge replacement, at no cost to the City, this project was included. Mr. Iafigliola, who is the chairman of Planning Commission, is the project lead on this construction and it is wonderful to be able to reach him on his cell for any issues that arise. This project should be completed by the end of the week, subject to weather. She stated that the Bagley Road Bridge will close on November 1st for the winter. Please keep in mind that the turnpike bridge will close the summer of 2017. The Bagley and Columbia Road corridor will look awesome once these bridge projects are completed.

A newsletter is being prepared as well as a release to the residents regarding the charter changes. She will also host a series of town hall meetings within the next couple of months.

She stated that the Allied Waste audit is moving forward. She unfortunately did not respond to an email that Mr. Presley sent due to some computer issues. She is hopeful that more specifics will be given to Council by the next Council meeting.

Communications from Residents

Ann Reichle, stated that she is present on behalf of the Downtown Olmsted Falls Business Association. During one of the last Council meetings the association asked what provisions would be made regarding signage for the Bagley Road bridge closure, at that time there were no answers. The association was asked to get ideas from the business owners as to where signs should be placed, which she did, but, after speaking with Mr. Borczuch regarding that issue she does not believe that any suggestions are needed.

Mayor Donegan stated that Ms. Jones has a lot going on with the business association she is being cognizant of what the turnpike bridge closure will mean to the local businesses. She stated that the intern Allie Shea was the individual who posted on Facebook and Twitter but unfortunately she is no longer completing that task. Mayor Donegan and Ms. Jones are attempting to figure out that issue but she is currently posting information on her personal facebook page.

Mayor Donegan stated that there was a 9/11 memorial ceremony that was attended by Ms. Garrity and Ms. Duncan. She stated the Chief Arida has done a wonderful job at performing his chief duties and is proud of all the work he is doing.

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2016-16; Ms. Garrity **seconded**. Poll: 7 ayes; 0 nays.
Motion carried.

Officials Reports:

Rosann Jones, Manager Business & Community Services

Ms. Jones stated that in July everyone should have received a packet of information explaining the Simply Recycling program. This program includes a pick up each week on garbage day. She stated that she and the Mayor received an email from a resident who believed this program was a donation program. This is not a donation program, Simply Recycling is not encouraging anyone from donating to the Salvation Army or Purple Hearts. This program is a collection for those item that are beyond donation condition, for example, things you would throw in the garbage. Simply Recycling will take those items and divide those items amongst stores here, send to third world countries, or filler for other products. This is not a charitable organization it is simply an opportunity to keep items out of landfills.

She is in the process of obtaining three quotes for replacement of the roof on the Harding Bridge. Once obtained she will make a request to the Harding Charitable Trust to help pay for the roof replacement. She stated that the trust normally reviews the requests in September but this year they will review in November. She is hopeful that the trust will help with the roof replacement.

The last shredding event this year will take place on Saturday, September 17th from 9:00 a.m. to 12:00 p.m. at the Olmsted Falls Middle School.

She stated that she sent an email to Council with a link for a sample of the Community Sync App. The information included is only a sample this link will just show you how the app will work, she would ask that any comments be forwarded to her. The hope is that the app will launch in November.

She stated that Mayor Donegan signed the final papers for the property purchase that offset the Jenkins Center private use. The Olde Wine Cellar has moved in and looks great if anyone gets a chance they should go and visit the business.

She distributed a copy of the strategic plan developed by the Downtown Business Association. The members worked diligently on the plan. This is a three year plan but a lot has already been accomplished and will be updated. She stated that a presentation will be given at the next Council meeting. She stated that the association is working with the Mayor's Economic Development Committee as well.

She also distributed an update regarding the Heritage Home Program.

She stated that she distributed information regarding the airport. She attended a meeting, on the Mayor's behalf, at the Airport and they will be moving to a GPS satellite system as opposed to radar for take-offs and landings. The information she distributed is for public meetings that will be held this week. She believes that this will affect the city with regard to noise, but does not know if that is a fact. The airport is holding public meetings and are being open and inclusive about this switch. The whole idea with the GPS system is that it will narrow in the flight path as opposed to the broader ranged radar system. In her opinion this says that this will be concentrated in one particular area. The airport is only mentioning that this will help them run more efficiently but have not spoken about the noise. She would encourage anyone who can to attend one of these meetings. She believes we should stay abreast in case it impacts the community or the agreements that are already in place with residents who gave up an easement for sound insulation.

Mayor Donegan stated that she previously mentioned that the administration has received a series of complaints in April, May and June regarding the airport. She has requested specific data from the airport to determine if the RNC played a role in these complaints.

Mr. Linn stated that Mr. Campanalie has been reviewing airport reports and he did notice a big change with United Airlines which is that they changed from Boeing Jets to Airbus Jets. The sound level increased almost 20% by this switch. He stated that Mr. Campanalie has estimated that this began approximately five months ago and if you take that timeline against the timeline of the jet manufacturer switch it coincides.

Mr. Haviland stated that even though Cleveland Hopkins lost the United Airlines Hub the number of seats being filled is increasing at least the levels before departure.

He stated that he has visited the Olde Wine Cellar twice now and the Jacobs have done a great job. He stated that Mr. and Mrs. Jacobs complemented Mr. Borczuch and the department for their great job on the back property and this business will be a great asset to the community.

Mr. Haviland asked if the Garden Club would continue maintaining the flower gardens and asked if a sign can be placed there to indicate who maintains them. Ms. Duncan stated that she will be the new president of the Garden Club in January and will look into that.

Joe Borczuch, Service Director

Mr. Borczuch indicated that a requisition was distributed to Council regarding plow blades. He stated that he has purchased equipment from the company for the last 13 years. The blades he would like to

purchase should last the department approximately 2 years and the current blades only have a life expectancy of a year. He is purchasing two blades to test and if they work out good he would purchase more next year.

Mr. Miller asked if Mr. Borczuch to explain the blades. Mr. Borczuch indicated that his department use to use a plain 10 foot steel blade which would need to be changed approximately once a week at a cost of \$125.00. He then moved onto another style with carbide portions placed on the ends of the plows which helped extend the life of the blade. Then a new three piece carbide blade and that has extended the life of the blade to over a year before needing to be changed. This new purchase is a multi-carbide unit on the front and back of the plow and will enhance the wear of the plow. These units have been reviewed by ODOT and are utilizing them for the interstates.

Mr. Miller moved to **approve** a requisition to Winter Equipment in an amount not to exceed \$3,400.02; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that the Mapleway project includes a new water line and is due to the negotiations to repave Bagley. These negotiations also included sidewalks on Mill Street and Brookside. The department is currently completing asphalt work and tear out and replace concrete roads.

He stated that the new facility is working out great and it is nice to have everything stored at one location.

Robert Arida, Fire Chief

Chief Arida stated that when a firefighter is hired a background check has to be conducted at a cost of approximately \$600.00. The last time a part time individual was hired and completed his background check he then took a full time position in Sheffield. The department has always viewed this check as the cost of doing business. The Mayor has brought to his attention that Council was a little hesitate in paying for these checks. He is developing a policy for Council to consider that includes any potential new hires signing a document indicating that they would stay with the department for six months, if not, they would be responsible for a portion of the costs associated with the background check. He is currently contemplating \$300.00 but this policy has not been finalized or submitted for review. Mayor Donegan stated that this policy would include police, fire and service.

Mr. Stibich asked if Sheffield performed a background check or did they utilize our check. Chief Arida stated that he does not have an answer. Mr. Stibich stated that in his opinion, the city that takes an individual from our employment should reimburse us since the background check was paid for.

Mayor Donegan stated the city never completed background checks before and is the result of a suggestion from the Blue Ribbon Police Committee. Mr. Arida stated that previously background checks were not completed for part time personnel, but have always done checks for full time hires.

Mr. Stibich stated that it is possible that other fire departments do not complete background checks. Mayor Donegan indicated that background checks are standard and Olmsted Falls did not complete those and have now adopted the practice. Mr. Arida stated that Olmsted Falls is unique as we are one of two departments that utilize part time personnel.

Mr. Haviland asked if the new policy would eliminate interest from individuals now that they could have a potential liability. Mr. Arida stated that he is concerned that a handful of potential qualified applicants will not apply. Mayor Donegan stated that this policy is being debated at this point and has not been implemented. Chief Arida stated that his current part time personnel are full time in other departments which is a tremendous asset as they come to our department fully trained. He stated that his concern is asking a 10 year veteran from Brook Park to sign a policy which states he will stay with the City for six months or be responsible for half the cost of the background check that individual could decline the position.

Mr. Linn stated that it is invaluable for the \$600.00 cost. A large local carpet cleaning company negated to complete a background check and one of their employees had multiple convictions for rape. This individual was placed in a home cleaning carpeting and repeated his offense and the company was put out of business due to a lawsuit.

Mr. Miller stated that two young boys in his neighborhood got a chance to meet Jonathan Lewis in the department and come back from the station very excited asking if he ever gets to work with Mr. Lewis in his position on Council and were disappointed to find out he did not work in the fire department.

William Traine, Police Chief

Chief Traine stated that moral has exceeded levels he never anticipated and has been expressed. He is gaining a lot of support from the department and is rewarding to him professionally and personally. A lot of feedback has been directed to him and the Mayor's office complementing the officers and how they handle issues. He stated that reform is going well beginning with the uniforms and how individuals should be spoken to and how they present themselves. He has dealt with equipment issues. The department has come a long way in a short amount of time but we still have a ways to go. As the Chief he is quite proud of the officers and the support they are giving him, the community and the Mayor's office.

Chief Traine stated that the city spent \$4,900 for body cameras that have mismatched software and software issues. At first the officers were against the cameras but have now changed their minds. There are many times where you get into a he said, she said situation, but with the cameras the true story comes out. He gave a DVD of a traffic stop by the motorcycle officer to the Mayor with a request that every city employee who has contact with the public views in order to see what it is like to be a police officer writing a ticket. It would also be a good exercise for Council because when you receive a phone call from an individual with a complaint. This DVD shows what an officer goes through when issuing a ticket and how humble and polite they are and the comments they allow to go over their heads you would be astounded. He would like Council to give feedback so when constituents call with a complaint this will help you understand what happens. The body cameras the department currently utilize are failing and was a waste of money. Mayor Donegan indicated that the city purchased these cameras two years ago, sat on a shelf for a year and has now been determined to be garbage. Chief Traine indicated that these cameras are not reliable and when the officers need them to work they find out that they are not recording. These cameras have been sent back to the manufacture numerous times. If one is dropped it is basically destroyed. He received quotes for cameras that are reliable and will address with Council at a later time once he has completed more research. These cameras are a built in insurance policy for the city because the tape does not lie. He stated for approximately \$10,000 the city could have purchased a decent moderate system. The current cameras have no night vision, if an officer gets out of a vehicle that had air conditioning on

the lens fogs up. The department currently only has three cameras that are working. He has to make a decision before beginning his 2017 budget to purchase software to maintain the current cameras and the maintenance agreement. He stated that the City also never purchased software for the Tasers and are now having malfunctions with them. He stated that the Tasers are giving error codes and are not reliable. He stated that Olmsted Township, Brook Park or Westlake does not have the software it seems that no one purchased the software for their Tasers. He eventually found the software and got the Tasers running and limited the cost to \$340.00 for battery upgrades. The department didn't even have a cord to download the data. This data protects the officer from lawsuits and helps during court proceedings. He purchased a couple of jump drives and downloaded data off the Tasers that went back to 2009.

Steve Presley, Finance Director

Mr. Presley stated that there have been some recent articles of other police departments who are putting their cameras on the shelf due to the cost of backing up the data and the size of servers. He stated that larger departments are looking at potentially \$100,000 annual expense for the maintenance of the body cameras. They are looking at that in conjunction with their overall budgets. He believes that Indiana has adopted new laws indicating how long the data should be saved.

He stated that over the summer the city financed the \$1.7 million dollar construction of the service garage at a net interest cost of 1.99% over a 15 year bond issuance. As the Mayor indicated Phase V is quite detailed because the ordinance has to list all the parcel numbers and those have to be tripled checked. If the parcel numbers are not correct the process will be delayed. He hopes to present that ordinance to Council at the next meeting, but he does not make any guarantees.

He stated that he has delivered the certification to the County for the 2017 refuse collection fees for a total of \$585,000 due to the new 2017 rates. In addition the Homestead Exemption lists have been updated. There were approximately 70 to 80 changes which included parcels being put on and others coming off. A copy of the certification was given to the Clerk for her files. Mayor Donegan stated that prior to 2014 there was never a checks and balance of the Homestead Exemption and those receiving the exemption never paid for refuse collection. Mr. Presley stated that with the adoption of the appropriate legislation which ties the refuse discount to a homestead exemption which is monitored by a third party and not the city.

He stated that he will be presenting a supplemental appropriation to Council due to outside legal expenses. He believes the City is on track with its budget. Municipal Income Taxes are 10% higher than last year's collections, which is positive news. As a member of the RITA board all municipalities are receiving good growth and will hopefully continue.

He will be working with Mr. Sculac regarding budget meetings. Due to some work demands he is hoping to hold off those meetings until November which will still allow three readings.

Mike DeSan, Asst. Finance Director

Mr. DeSan stated that he continues to work on the Ohio Checkbook. He has uploaded three years of data.

Councilman, Kyle Miller, Ward IV

Mr. Miller would like to thank the Fire Chief and the other firefighters for the time to visit with his young neighbors.

Councilman, Jim Haviland, Council-at-Large

Mr. Haviland stated that he received a question from a resident living in Oakwood Estates and asked if any of these apartments were located within the City. Mayor Donegan replied that this apartment complex is not within the city nor does it touch any of our borders.

Councilman Charles R. Sculac, Ward I

Mr. Sculac indicated that he would like the budget legislation to run three readings.

Mr. Sculac moved to **acknowledge** receipt of the June, July, and August Mayor's Court report; Ms. Garrity **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash Position dated 08/31/2016 in the amount of \$2,094,384.40; Ms. Garrity **seconded**.

Mr. Stibich indicated that there are negative balances and asked if they would be cleaned up by the year end's report. Mr. Presley stated that there will be positive balances. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that he attended the post audit meeting and received the preliminary report. Once that audit is finalized all of Council will receive a copy.

He stated that he will be out of town from September 23rd until September 30th and would like to request that he be excused from the Council meeting of September 27th. Mayor Donegan replied absolutely.

Councilwoman Terry Duncan, Ward III

Ms. Duncan would like to compliment Chief Arida for his 9/11 presentation and indicated that was the first time she ever heard the minute by minute timeline.

She stated that Shade Tree Commission meetings the first Tuesday of each month and would like to change their start time to 6:30 p.m. and usually last a half hour to 45 minutes. She asked that Council keep that in mind when meetings are scheduled prior to Council meetings.

She received a complaint from residents in the Central Park Boulevard area. They are having issues with trash problems at the Fawn Lake Apartments. These apartments are apparently under new management and are not keeping up with overflow trash issues. Mayor Donegan indicated that Trustee Fischbach's husband was the Homeowner Association President in that area and asked if this was a recent complaint. Ms. Duncan stated that an email was sent with photos attached as well.

Councilwoman Linda Garrity, Council Pro-Tempore

Ms. Garrity stated that the quarterly NOCCA meeting will be held Thursday at the Doubletree on Rockside Road in Independence. She stated that the organization is reaching out to new Council members in order to invite them to attend. The topic at the meeting is Building Blocks of Leadership and promises to be an interesting program. Dinner will be served at 6:00 p.m. She stated that all of Council is welcome. The speaker is from the Leadership Academy. Mayor Donegan stated that this year Ms. Jones and Ms. Veloski will attend the Leadership Academy.

Ms. Garrity stated that Southwest was on recess this summer and their next meeting is mid-October.

She stated that the Union Cemetery Association has received two resignations, Mr. Roy Grospitch and Mr. Dan Hill, effective 09/30/2016. She would like to request a Special Joint Cemetery Meeting on October 11, 2016. The cemetery trustees are requesting that Mr. John Phillips, whose term was to begin January 1, 2017, be appointed to fill the unexpired term of Mr. Grospitch. She requested that the meeting begin at 7:15 p.m. She stated that the cemetery has also purchased a software program and are beginning the process of scanning maps in order to provide GPS system of the grounds and plots. She stated that Mr. Borczuch has volunteered to help with cemetery operations until a replacement can be hired for Mr. Hill.

She stated that on November 11th at 11:00 a.m. the cemetery will host a short program in the Veteran's Section of the cemetery to honor veterans. She stated that Mr. Eichenberg will speak about the history of Armistice Day.

Ms. Garrity indicated that a revised copy of Council's Rules of Order has been distributed. Minor changes include the deletion of non-functioning committees. She also indicated that under special council meetings that Council be given 24 hour notice rather than 12 hours. She stated that in her opinion to reach members within 12 hours could be difficult. She did speak with Fairview Park and their Council Rules of Order state that they need to be notified by telegraph so Olmsted Falls is more updated than Fairview Park.

Ms. Garrity stated that 44-2016 is regarding property and liability insurance and asked if the legislation should be sent to insurance committee. Mr. Presley indicated that he is awaiting quotes and once those are received he will forward his recommendations to the committee. Mayor Donegan asked Mr. Presley to also review the health insurance renewal dates. She stated that no changes will be made due to the fact that the administration queried all the employees and everyone has indicated that they want to remain with the current plan. The administration has braced itself for the double digit increases.

Mayor Donegan reminded Council that there is a state law that requires all elected officials must participate in public records training. There are online courses available, please contact the Clerk in order to obtain that information. The City also needs a copy of the certificate as we do get audited for that information.

Councilman Paul Stibich, Ward II

Mr. Stibich stated that he received a phone call from a resident who was on Water Street and discovered a syringe on the sidewalk. They contacted dispatch and they informed him to pick up the syringe and throw in the trash. This resident did not believe that was the correct way to handle the situation and contacted their neighbor, who is in the medical field, and the neighbor disposed the syringe properly. Mr. Stibich asked what the proper procedure for that situation should be and what should dispatch be informing residents. Mayor Donegan asked Chief Traine to follow up on that phone call as they are recorded and then educate dispatchers on what residents should be instructed to do. Mr. Stibich asked what the proper procedure for this type of situation. Chief Traine indicated that residents can either contact the police department or fire department and they are equipped to dispose. Mr. Stibich indicated that the syringe was for insulin.

Councilman Jay Linn, Council President

Mr. Linn stated that the city has moved the Phase V project forward. He has fielded numerous amounts of complaints from residents. He stated that he has learned that residents are speaking to

numerous people regarding the same issue. He has fielded calls that Mr. Borczuch has already handled and people are attempting to mold whatever they are after. This has happened numerous times in the last couple of the months. He stated that as recently as today he received another call regarding a resident who has been instructed to clean up their property. This resident wanted to bring in a new proposal and he was instructed that no new drawings will be accepted until the property is brought up to code. He stated that this resident received a variance that permitted him to put in a tree stand which would help eliminate noise from the road. The tree line was to be 16 feet back from the edge of the right-of-way which was 46 feet from the centerline of the road and this tree line is now growing six to eight feet of the roadway, the resident has done nothing to alleviate this problem.

Mr. Linn stated that it seems that people are not reading the codified ordinances but rather making up their own scenarios and they believe that is what the city should do.

He suggests that everyone use caution when speaking with residents and choose their words wisely.

Mayor Donegan stated that if Council forwards a complaint to the administration a resident intake form is completed. This form allows the administration to keep track of statistics and to make sure all issues/complaints are resolved.

Santo Incorvaia, Asst. Law Director

Mr. Incorvaia stated that he has spoken with Chief Trainee to keep some cases located in the Olmsted Falls Mayor's Court. Over the past few years there has been an increase in the Court. The less cases sent to the Municipal Court helps keep the City's costs to that Municipal Court down.

Additionally, Chief Trainee mentioned the body cameras and although there is an expense with them they do help when prosecuting cases. The best piece of evidence a prosecutor can have is a video of what actually transpired, many of the defendants will tell their attorney that they didn't do, once the video is presented to the defense counsel that video helps the defendant decide whether or not to move onto a trial. For example, he recently had a domestic violence case that was set for trial once the audio was listened to and the comments the defendant made towards the police officer it was clear to the defendant he needed to enter a plea. He is an advocate of the cameras, they also save on overtime costs due to numerous pre-trials and officer attendance.

He stated that the law department has represented Olmsted Falls on numerous trials, three over the last 60 days with one a domestic violence case scheduled for tomorrow. The department not only represents the police department but also the building department regarding building and zoning cases. We also represent any type of violation that occurs in Olmsted Falls and we receive calls from state agencies and the attorney general's office and because they are not felonies we are obligated under the law to handle the cases locally.

He has also met with Chief Trainee regarding scheduling another in-house training for the officers. These in-house training sessions allows the law department to update the officers on the laws and discuss new court opinions.

Mr. Incorvaia has also worked with the Civil Service Commission regarding testing procedures and new rules and procedures. He stated that earlier this evening the Commission met to hear an appeal filed regarding the results of the fire chief testing, the Commission met and ruled on the appeal.

There is plenty going on in the law department we are not necessarily an income generator but we work on making things more efficient. Mayor Donegan stated that the departments takes a cognizant look at keeping cases local to bring in local revenue rather than send to the municipal court.

Old Business

Ordinance 43-2016

AN ORDINANCE AMENDING SECTION 1042.115 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO SANITARY SEWER USER FEES TO REFLECT THE CHANGE FROM QUARTERLY COLLECTIONS TO MONTHLY COLLECTION BY CLEVELAND DIVISION OF WATER **Second Reading**

New Business

Resolution 44-2016

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR MUNICIPAL PROPERTY AND LIABILITY INSURANCE COVERAGE FOR A ONE (1) YEAR PERIOD AND DECLARING AN EMERGENCY **First Reading**

Ordinance 45-2016

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OLMSTED FALLS CODIFIED ORDINANCES, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH **First Reading**

Mr. Sculac moved to **suspend**; Mr. Linn **seconded**. **Voice Vote**: 7 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. **Voice Vote**: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Ms. Garrity **seconded**. **Poll**: 7 ayes; 0 nays. **Motion carried**.

Resolution 46-2016

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER **First Reading**

Resolution 47-2016

A RESOLUTION IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF OLMSTED FALLS, OHIO, AND DECLARING AN EMERGENCY **First Reading**

Resolution 48-2016

A RESOLUTION URGING THE OHIO RAIL COMMISSION, THE PUBLIC UTILITIES COMMISSION OF OHIO, THE FEDERAL RAIL AUTHORITY AND THE FEDERAL SURFACE TRANSPORTATION BOARD TO ASSIST LOCAL MUNICIPALITIES, INCLUDING THE CITY OF OLMSTED FALLS, OHIO, IN PROVIDING MECHANISMS TO ALLEVIATE THE IMPACT OF RAILROAD TRAFFIC AND STOPPED TRAINS ON

SAFETY AND EMERGENCY VEHICLES AND VEHICULAR TRAFFIC IN MUNICIPALITIES AND DECLARING AN EMERGENCY **First Reading**

Mr. Linn moved to **suspend**; Mr. Stibich **seconded**. **Voice Vote**: 7 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. **Voice Vote**: 7 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **adopt**; Mr. Stibich **seconded**. **Poll**: 7 ayes; 0 nays. **Motion carried**.

Such other business that may come before Council - *None*

Mr. Linn moved to **adjourn into executive session** to discuss pending/threatened litigation pursuant to O.R.C. 121.22(G)(3); Ms. Garrity **seconded**. **Poll**: 7 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 9:12 p.m.

Ms. Duncan moved to **adjourn into regular session**; Mr. Stibich **seconded**. **Poll**: 7 ayes; 0 nays. **Motion carried**.

Meeting reconvened at 10:10 p.m.

Miscellaneous New Business

Mr. Incorvaia indicated that special prosecutor Mr. Reulbach was given notice back in September 2015 and the Court was also served with the appropriate notice. Mr. Incorvaia continued to explain that the duties of a special prosecutor are limited in scope and that Mr. Reulbach should be familiar with this practice. Mr. Incorvaia understands that Mr. Reulbach has recently represented to others including the court that he remains the special prosecutor for Olmsted Falls until Council terminates him specifically. In order to clarify this for Mr. Reulbach that this is not the case, Council is asked to formally ratify the termination of his services effective September 30, 2015.

Ms. Duncan moved to **ratify the termination** of legal services for John Reulbach effective 09/30/15 who was hired on 08/10/15 as a special prosecutor for a single specific case. Mr. Reulbach has been paid in full for his services and there is no outstanding balance; Mr. Stibich **seconded**. **Poll**: 7 ayes; 0 nays. **Motion carried**.

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

The meeting adjourned at 10:17 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council