

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, September 27, 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, Paul Stibich, Terry Duncan, and Kyle Miller were present. Bob Sculac and Jim Haviland were excused.

Also in attendance: Gregory M. Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, and Joe Borczuch, Service Director. Audience: 7.

Approval of Minutes:

Mayor Donegan indicated that a revised page 247 was revised and clarified to Council this evening. Mr. Stibich moved to **approve** the minutes from the Regular Council Meeting of September 13, 2016; Mr. Miller **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Stibich moved to **approve** the minutes from the Regular Council Meeting of June 28, 2016; Ms. Duncan **seconded**. Mayor Donegan would like to call Ms. Garrity's attention to page 229 line 16 which now reads "Judge Donnelly stated that the appointment of a law director is one thing, but, police and fire is another, if the ratification by Council remains the City should just get rid of Civil Service because you are using it as a reason for appointments of police and fire and then the next thing you know is the Mayor makes an appointment, brings that to Council, and then there is a fight." This clarifies the issue that was discussed at the previous meeting. Poll: 5 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda

Ms. Garrity moved to **amend** the agenda to include an executive session pursuant to O.R.C. 121.22(G)(1) regarding matters of personnel; Mr. Linn **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Mayor's Report and Appointments

Mayor Donegan indicated that the Downtown Business Association members are present this evening. She stated that Ms. Jones previously distributed an initial brochure from the association. She stated that Mr. Bill Henzey is the President of the Downtown Business Association and Ms. Ann Reichle is the Vice President. She then introduced Mr. Henzey.

Mr. Bill Henzey stated that in the last couple of months we have formed a business association for the downtown area, called Downtown Olmsted Falls. The association's strategic plan was distributed to Council. Essentially, we are trying to get everyone to work collaboratively together in the downtown area, from the Grand Pacific Junction to the businesses owners on both sides of the street. The strategic plan includes six goals that the association would like to establish in the year. The first goal was to establish an organizational structure and provide leadership, which has been completed. Secondly, we will establish a new marketing and promotion initiative for the downtown area. We would like a unified message for downtown Olmsted Falls, a logo was developed as well as the

development of a website that visitors can visit to see events happening in downtown Olmsted Falls. The third goal is to promote the downtown area as the City's social, economic and cultural center. We will start an ongoing promotional campaign for the area. Goal Four is to assist the City and other stakeholders in developing pedestrian and parking friendly strategies for the downtown area, particularly working on signage and wayfinding. We are working with the Mayor and economic development committee to make this a reality. Goal Five is to organize steps to retain and attract businesses to the downtown area. Goal Six is to develop a philanthropic and community investment strategies. We would like to establish ongoing funding for special events like Heritage Days.

Ms. Garrity stated that Sunday during Vintage Marketplace it seems as though was crowd larger than ever. Ms. Reichle stated that she believes it was the largest crowd and people were purchasing items so there were happy vendors. Mr. Henzey stated that we were concerned with the weather for a September event but everything went well.

Ms. Duncan asked how the Grand Pacific Junction, Chamber of Commerce and then this organization interface. Mr. Henzey stated that essentially the Grand Pacific Junction Merchant's Association is within the confines of the Junction itself. Our organization covers the entire downtown area. The Chamber covers the entire community, including the Township. We have met with both groups in order to collaborate together and open lines of communication.

Mayor Donegan stated that this is something Ms. Jones and Mr. Riddle have been working on and we will rely on these two entities to help within the community. They took the City's Master Plan and will be the "arm on the streets." The City made an investment with Main Street Ohio about a year ago and made another investment to participate again. This association will be a hybrid of that entity focused on the Columbia Road Corridor. She will be utilizing this group to determine how Evening in the Falls and the Vintage Market Place can be more successful and what we can do to help the Economic Development Committee as well as some of our own initiatives. One of the challenges is that businesses are not necessarily open late so this association will work with those businesses to explain why they need to be open. If we are going to be a one stop destination for a day's excursion we are going to need other kinds of advocates and she is proud of this group and the leadership. She also stated candidly that a budget request will be made for economic development which includes wayfinding. We started the branding campaign and developed a logo and we are starting to generate some "noise" about why you should visit Olmsted Falls. She believes this group will be able to explain to Council why wayfinding, signage and parking are important. Mr. Henzey agreed, and stated that the genesis of this group was basic, a lot of people are talking in various directions and we need to get everyone on the same page and that is what started this whole effort.

Police and Fire Leadership – Mayor Donegan stated that she received a Civil Service List for the Fire Chief position and will interview the top three candidates in October. She would request that a Council representative be present during those interviews. In the interim, to alleviate the Acting Chief Arida's work load, because he has jumped in and done a fabulous job, she has named Chad Gluss as the Interim Acting Assistant Chief. There will be no wage increase for Mr. Gluss.

In addition, Civil Service is navigating the scheduling a police chief test. Also to stabilize the police leadership, which has been through a lot of changes, Odys Rogers is now the Interim Deputy Chief. We have three direct service lines to our residents and it is important for moral and continuity to stabilize the leadership in these departments.

Unbroken Fitness – Mayor Donegan stated that this is an athletic facility that will be proposing an opening in the old service garage. This is a couple who live in the Township and grew up in the area. The City is in the process of reviewing a letter of intent, Mr. Russo will be present at the next Council meeting to give an economic development update. She stated that this would be a three year agreement with approximately 2,100 square feet and details will be provided to Council as the process moves forward.

Phase V – She stated that a memo was distributed to Council indicating that the Resolution of Necessity for Olmsted Holdings as well as the residents will be placed on first reading at the next Council meeting. This will begin the Phase V process and would encourage Council to adopt the resolution that evening. She would like to provide a brief outline of the Phase V process. There will be two resolutions, one for Olmsted Holdings and the other for the residents. We will most likely bid out three distinct projects, which includes, a pump station with specific specs, a Olmsted Holdings component and a residential component. Some of the returning Council members will remember that there was previous discussions regarding phases for this project and it does appear that there will be two. She has heard comments that the City is in jeopardy of losing the grant and would like to inform Council that those comments are not true. The money was just deposited into the City's account on July 1st, which means we could not complete any work prior to that. The City has until December 2018, which is also when the project will be completed. She does realize that for those that have been on Council for many years from 2009 to 2018 is almost a decade but the reality is that this project will be completed in two short years.

The other thing she found very interesting and would like to clarify is that the 2009 DOPWIC grant we were given in 2010 that we did end up losing is really not lost. We are supplying past engineering bills which will reimburse the city going back to 2006 or 2007. The City will also be able to use that grant for all our current engineering costs and she wanted to make sure that was clarified for Council. So in essence we will have the opportunity of almost two grants. She believed that the grant could only be utilized for past bills but Mr. Sheehy has assured her that was not the case which is good news. There is also another five million available from Regional for this particular program and although she has her eye on some flooding issues in the Metropolitan/Holton area Mr. Sheehy does not believe that project would be eligible, but, this additional money could be used towards the Phase V project. She stated that Mr. Sheehy will research if the flooding issue in general would warrant another application. She does not believe that it is necessary for Mr. Sheehy to attend the next Council meeting because we need to get through the resolution of necessity but as we move through the process he will come in to explain the next steps. She will be informing the Phase V residents that the City will have answers as to when their street will be affected by this project in relatively a short time.

She continues to get emails from residents who live by the railroad who continue to be upset about the horns in the quiet zones, the blockings and trains sitting on bridges. She would like to commend Bess Vrettos who filed a complaint and has worked closely with the Federal Railroad Administration and the Ohio Rail Development Commission. Last week a large meeting was held with Senator Patton, Ms. Garrity, The Ohio Development Rail, The Federal Railroad Administration, CSX, Norfolk Southern, the Police and Fire Chiefs and the Service Director. The residents who call get a little hopeless and feel that the FRA is not being contacted. She does assure them that it is her job to follow up on each and every complaint and we are having success with this. Mayor Donegan then read into the record the attached letter from the Ohio Rail Development Commission. She stated that the representative from the Federal Railroad Administration indicated that she has never attended such a

well-run accurate meeting. She pointed out that this is why data analysis and collection are important. As aggravating as the railroads are they are not moving and the city is not moving. During this meeting we did learn what the horns are supposed to sound like when there is an issue on the tracks. Additionally, one of the most exciting aspects is something she has been working on since 2014 and that is how do we alert people to blocked crossings? We have four crossings on the Norfolk Southern line within a quarter mile of each other. There are times when you are sitting at one crossing but another one is open. Once you are sitting at the blocked crossing there is no way to know if the delay will be 5, 10, 20 minutes or an hour and half. She stated that the Ohio Rail Development Commission was direct with Norfolk Southern and CSX. If we are going to co-exist in a desirable manner we need to work together.

Mr. Miller stated that on Sunday, he was driving with his family and the tracks on Lewis Road were blocked, one of the officers personally approached him to indicate that they are unsure of how long the tracks will remain blocked but rest assured we are tracking that information. He believes that is great community service. Mayor Donegan stated that she will pass the information to Chief Trainee. She stated that our police are not social workers by trade but that is what they are in a community our size. It is important to increase the dialogue especially with our dispatch center, educating and re-educating the engineers, as well as educating and re-educating the city, plus our officers understanding what these blocked crossings mean. Ms. Garrity would like to thank the Special Projects coordinator she did a wonderful job organizing a meeting with such a large group of people, everyone was cordial and it seemed that possible solutions were determined. She would also like to thank Mr. Sponseller for talking about how unique we are and why the railroad needs to work with us. She believes he caught their attention. Mayor Donegan stated that she believes it is important that the constituency understands that she understands the FRA is the government and they have things to do but this is 2016 we have ODOT communicates on the highway and the FRA really kind of honed down that they due have the ability to communicate with us on certain things so we are looking at something like an electronic signage that would share data live time in terms of what you can expect.

She indicated that she met with Mr. Haviland and Mr. Boyer, who is the chairman of the Economic Development Committee and reviewed with Mr. Haviland the CRESCO agreement in terms of do we want to lease or sell land. We will be opening another discussion next week with Mr. Russo to re-review for Council how successful CRESCO has been and determine if we need any modifications of the agreement or additional latitude to maximize our opportunities. We do have someone extraordinarily interested in the land next to the wine cellar but we will face some challenges.

She is aware that Mr. Campanalie has been reviewing the airport information which she appreciates. Mr. Campanalie indicated that the information is very interesting. Mayor Donegan stated that as we move forward with the new information we are getting from the airport and changes that they will be making, we may want to convene a small sub-group to determine what impact the new changes will have on our community.

Communications from Residents - None

Approval of Bills:

Ms. Garrity moved to **approve** Pay Ordinance 2016-17; Mr. Linn **seconded**. Poll: 5 ayes; 0 nays.
Motion carried.

Officials Reports:

Rosann Jones, Manager Business & Community Services

Mayor Donegan stated that Ms. Jones was not present this evening but would like to report that the city received a grant from the Solid Waste District as we continue to increase community awareness on the benefits of recycling.

Joe Borczuch, Service Director

Mr. Borczuch indicated he has a requisition for Judco for the purchase of a new leaf box to be installed on the truck that Judco built. This purchase is a budgeted item. Mr. Stibich asked how long a leaf box would last. Mr. Borczuch indicated that he has one from an old truck that is approximately 16 years old. Mr. Stibich asked how often these types of boxes are replaced. Mr. Borczuch indicated that he needs to purchase a new box for the new style trucks he recently purchased, as the other boxes do not fit onto the newer trucks.

Mr. Linn moved to **approve** a requisition to Judco, Inc. for the purchase of one custom leaf box in an amount not to exceed \$9,000.00; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that he also has a requisition for the purchase of trees. He stated that these replacement trees will be placed in the area of Columbia and Bagley Roads and Briarwood and Scott. The amount includes the excavation of the holes, dirt removal, bed mix, anchors, installation of the trees and mulch. These will be a larger caliber tree that what he normally orders due to the fact that he is attempting to match the existing trees.

Mr. Linn moved to **approve** a requisition to Morton's Landscape for the purchase of seven Ivory Silk trees and seven Crimson King Maple trees in an amount not to exceed \$9,250.00; Mr. Stibich **seconded**. Mr. Stibich asked if the Japanese Lilac trees were flowering. Mr. Borczuch indicated that those are the types of trees in the downtown area. Mayor Donegan stated that Shade Tree Commission also recommends the purchase of the replacement trees. Mr. Stibich asked if the shade tree fund would be utilized for the purchase; Mr. Borczuch replied that was correct. Poll: 5 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that the Christians in Action organization currently utilizes the old library basement as the food pantry along with the Olmsted Community Church. Due to the fact that the old library may be leased, he has begun searching for a new facility. He would like to suggest giving the Christians in Action organization a permanent home in a small area on the 2nd floor of the administration building. This is a non-profit organization and serves approximately 80 families each month. He stated that the organization is willing to help the city with costs and labor to update the area they will utilize. Mayor Donegan stated that she has approved the move. The organization approached the city years ago to discuss the 2nd floor. She stated that anything positive requires work, this is a service oriented organization and a 501C3. She spoke with Mr. Russo in order to determine if there would be any impact on the 2nd floor space. In the short term, it will not be impactful. She believes that it is the city's job to support Christians in Action as they do amazing work in the community. If you are familiar with the 2nd floor they would use the room that overlooks the roof, which is not necessarily the most desirable location. If the City does get a tenant there are provisions on the notes which indicates that if we turn for profit upstairs we would lose some standing with the notes, which means letting a non-profit use a space would be a positive result. The

reality is there is a lot of space there and she hopes that this will not be an issue with Council as Christians in Action is a worthy cause. Mr. Linn asked for a rough estimate of how many square feet the organization will require. Mr. Borczuch indicated that it would not even be a quarter of the space but does not know the exact square footage. Mayor Donegan stated that in the entire footprint it would be slightly bigger than Council Chambers.

Ms. Garrity stated that this issue was brought up a few years ago and there was an issue with people riding the elevator when city hall was closed. Mayor Donegan stated that this goes back almost a decade and things change, we are beefing up security and access and its literally vacant space. Our priority is downtown Olmsted Falls and we cannot continue to house them in the old library. Even though it is not our job to find them a location she believes it is our job to help them find a location especially when we have a lot of vacancies. We considered the police department but access to the security door was an issue. The area upstairs would be cordoned off and she believes this is the right thing to do. She then permitted Ms. Rook to comment regarding this subject.

Barbara Rook, 8712 Forestview – asked if the discussion was regarding the Christians in Action food pantry currently housed in the Olmsted Community Church. Mayor Donegan indicated that they outgrew the space and for approximately two years the city has granted them space in the lower part of the old library. Ms. Rook indicated that she is a 20 year member of the church and that this was news to her as she believes they are still operating from the church. Mr. Borczuch indicated that they have supplies at the church and the old library. Ms. Rook stated that if she remembers the original conversation from a few years ago the reason they did not move to city hall was because of the cost of cost \$6,000 to put in a bathroom which was mandatory for people to use the building for a food pantry and the organization decided that was too much and did not make any sense to make the move. She was chair of the church council at that time so she does know that was the facts at the time. Mayor Donegan stated that those conversation were held approximately 10 years ago. Mrs. Rook asked if that was still an issue. Mayor Donegan indicated that there is a public restroom downstairs in the police hallway and at the end of the day we are pleased to house them in space that we have available. There is elevator access and a restroom located on the main floor. Mrs. Rook stated that she was unaware they moved since she is active in the church. Mr. Borczuch indicated that they have not moved as of yet these are just inquiries the city is dealing with. Mrs. Rook stated that it sounds as if they moved into the library and asked if they were storing or operating out of the library because clients still pick up from the church but the organization could be using the library for overflow. Mayor Donegan stated that they could be using it for storage but they would like to move into a safer place.

Steve Presley, Finance Director

Mr. Presley stated that he hopes everyone has seen the articles that have appeared in the Plain Dealer relative to the Cuyahoga County Health Consortium of which we have been a member for the past two years. As a result of all of the changes that have happened in the County and their review of the health care program, we have been informed that our premiums for fiscal year 2017 will increase somewhere between 25% and 40%. We are on the high side right now in the original proposal. We will attempt to negotiate with them with our history for the last two years. Our loss ratios were pretty positive the first two years, but we did take a hit in this current year. The City will need to look at other alternatives relative to health care plans and vacating the county plan. The City will determine if perhaps we can go directly to Medical Mutual of Ohio and/or directly to Metro Health. One of our concerns is that we are a small group with less than 30 employees who utilize the City's health care plans, so we do not have the buying power or pressure as a much larger group. He does believe the

Mayor has made the bargaining units aware of the upcoming increase and the fact that the City is not looking to absorb those all directly through the City's funding and will potentially need to return to the negotiating table. We will keep Council apprised as we move forward. He stated that in the past two years Metro Health increased 5% to 6% when in actuality those increases should have been in the 15% range in order to keep pace with the overall health care claims of the consortium. For whatever they did not and we know find ourselves in our current situation.

Mayor Donegan asked Ms. Garrity to perhaps schedule an Insurance Committee meeting and once the research and facts are obtained the committee can discuss. Ms. Garrity asked when the policy would expire. Mayor Donegan replied 12/31/16. Ms. Garrity asked if any requests were sent out. Mr. Presley stated that he cannot put out any requests as he does not have any information from the county relative to our loss claims, diagnosis/prognosis, all the medical information needed to obtain proposals. At a 30 member group we will need to look at a group rating and becoming part of a group within Cuyahoga County without going into a consortium. Mayor Donegan indicated that the information regarding the increase was just received yesterday. She indicated that we have contacted County Councilman Mike Gallagher and she and Mr. Presley will have a conference call with the county HR on Thursday.

Mike DeSan, Asst. Finance Director

Mr. DeSan indicated that he is currently putting together the third quarter reports and should be distributed to Council prior to the next Council meeting.

Councilman, Kyle Miller, Ward IV – No Report

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated that Falls Day in the Park will take place this Sunday, October 2nd from 1:00 to 4:00 p.m. She would encourage everyone to attend. Mayor Donegan indicated that the Citizen of the Year Award will be given at 1:30 p.m. She also indicated that she received some information regarding a Monarch Pledge seminar and she will be in contact with Ms. Duncan.

Councilman Paul Stibich, Ward II – No Report

Councilwoman Linda Garrity, Council Pro-Tempore

Ms. Garrity moved to accept the Council Rules of Order for the year 2016 – 2017; Mr. Miller seconded.

She indicated that there were very few changes and the document has been reviewed by Mr. Sponseller. Mr. Stibich indicated that he would prefer waiting until Mr. Haviland and Mr. Sculac are present prior to adoption. Ms. Garrity indicated that this should have been completed prior to recess but would accommodate Mr. Stibich's suggestion.

Mr. Miller **removed** his second; Ms. Garrity **removed** her motion.

Ms. Garrity would like to remind Council that prior to the next Council meeting the Joint Cemetery Board will meet at 7:15 p.m. The meeting should last approximately 15 minutes. This meeting is being called in order to appoint Mr. John Phillips as Chairman to fill the unexpired term of Mr. Roy Grospitch who resigned over the summer.

She stated that the Clerk of Council updated the delegate list for Southwest General Hospital. The Southwest Board will meet in mid-October at which time she will update Council.

She stated that on November 11th at 11:00 a.m. there will be a Veterans Day Remembrance ceremony at Chestnut Grove Cemetery in the Veterans Section.

She stated that she received an email from NOPEC and would request that Ms. Jones and Ms. Mancini attend their presentation on Increasing Community Engagement through Social Media.

She stated that she will convene the Insurance Committee as soon as possible.

Mr. Linn stated that Mr. Phillips has already been appointed as the Chairman. Ms. Garrity indicated that was correct but the unexpired position needs to be filled prior to his term beginning. She stated that the board did obtain a legal opinion and this was his suggestion. Mr. Linn stated that he will recuse himself from that meeting as Mr. Phillips is a personal friend.

Councilman Jay Linn, Council President – No Report

Gregory M. Sponseller, Law Director

Mr. Sponseller indicated that an inquiry was made regarding political signs. As Council will recall the ordinance was amended due to absentee voting. The new ordinance allows for political signs to be placed in yards 10 days prior to the date upon which the Board of Elections will accept absentee ballots, which is October 2nd. To avoid blight in the neighborhood those signs need to be removed two days after the election.

He stated that the pamphlet related to the Charter change issues has been completed and has been sent to residents.

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 **Third Reading**

Mr. Stibich moved to **adopt**; Ms. Garrity **seconded**. Mr. Linn stated that the legislation reads “codified ordinances of the city with regard to sanitary user fees to reflect the change from quarterly collections to monthly collections by Cleveland Division of Water the biller.” He would like to know what would happen with the water invoices will those remain quarterly or change to monthly. Mr. Presley stated that his understanding is in order not to have the quarterly invoices to large they would move to a monthly billing. Mr. Linn stated that his issue is with the legislation because it does not state water only states sanitary user sewer fees. Mr. Presley indicated that he was moving forward off of information he received from the division of water because they invoice for sanitary sewers. Mr. Linn stated that he believes the legislation should be amended to include both the water and sewer user fees. Mr. Sponseller stated that he drafted this back in July. The legislation states “any and all service charges imposed by the Division of Water, City of Cleveland for billing and collecting

of such charge on behalf of the City of Olmsted Falls, based upon a per connection per billing period charge.” He stated that sewer service charge is based on the usage of the system is the third section but the volume charge is the only one affected. There is only one sub-portion of the existing ordinance that is affected which is the change in the water charge. He stated that by title Section 1042.115 refers to sanitary sewer user fees to reflect the change from quarterly collections to monthly by Cleveland Division of Water. He does not believe the title needs to be changed and he believes the amendment achieves the objective that the Division of Water has asked of the finance department. Mr. Presley indicated that he will have to review the request from the Division of Water. Mayor Donegan requested that Council table the legislation in order to allow Mr. Presley time to review the specific request. Ms. Garrity removed her second; Mr. Stibich removed his motion to adopt.

Mr. Miller moved to **table**; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

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 **Second Reading**

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 **Second Reading**

Mr. Linn moved to **suspend**; Ms. Garrity **seconded**. Mr. Presley indicated that these rates do not include the fire renewal levy that will be before the voters this November. After the November election the rates may need to be amended. **Voice Vote**: 5 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. **Voice Vote**: 5 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Linn **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

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 **Second Reading**

Mr. Linn moved to **suspend**; Ms. Garrity **seconded**. Mr. Linn stated that he has been researching other communities regarding this issue and it seems that this type of legislation has been adopted quickly. Mr. Miller stated that while he does agree with Mr. Linn’s thought process he would like to hold off on adoption until all seven members of Council are present before imposing a six month moratorium. Mr. Stibich agreed. Mayor Donegan indicated that she suggested a moratorium because she was aware that the medical marijuana was passed at the state level and did not want the City to be caught off guard before a proper consideration could be made.

Mr. Linn removed his **motion to suspend**; Ms. Garrity removed the second.

Ms. Garrity asked if the resolution should be referred to the legislation committee. Mayor Donegan inquired if 30 days was enough time for the committee to meet. Mr. Stibich indicated that he is unsure if a meeting is needed and inquired if Mr. Miller believed one should be held to discuss. Mr. Miller replied that he does not necessarily believe the legislation should be referred to the legislation committee he just wants to make sure the city does not jump into a moratorium based on what neighboring cities are doing. Ms. Garrity asked what other communities were doing. Mayor Donegan indicated that most cities are entering into a moratorium for at least six months to study.

New Business

Ordinance 49-2016

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY TO CHANGE THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 281-14-001 CONSISTING OF APPROXIMATELY 53 ACRES AND LOCATED WEST OF MAPLEWAY DRIVE FROM I-2 "INDUSTRIAL MANUFACTURING DISTRICT," TO MUTND, "MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT" **First Reading**

Mr. Linn indicated that he believes there is an issue in the title, I-2 Industrial Manufacturing District, he believes this property was already changed to D-4 under a court order. Mr. Sponseller stated that there was a court order to that affect but its existing zoning classification is I-2. You do raise a good point that will ultimately become academic whether its D-4 or I-2 the request would be to rezone it to MUTND. He indicated that this will need to be referred to Planning Commission. Mr. Linn stated that he believes that Planning Commission has already rezoned the property. Mayor Donegan indicated a motion will be needed from Council to send the matter to Planning Commission for their recommendation. She believes that this new zoning classification will be unique to the city and will create much needed diversity in the housing stock.

Mr. Linn moved to **refer** the matter to Planning Commission; Ms. Garrity **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Sponseller indicated that he candidly spoke with the owner of the parcel regarding a little over a year ago there was a public hearing held at that time however, we had not adopted the MUTND legislation and frankly will be looking at whether or not additional public hearings before the Planning Commission will be required. We will attempt to answer that question by the end of the week. This could probably be considered a new application with new public hearings and one will be required by Council but the question remains as to whether an additional public hearing will be required before Planning Commission.

Miscellaneous New Business - None

Mr. Linn moved to **adjourn into executive** for matters of personnel pursuant to O.R.C. 121.22(g)(1) and discussion of pending or threatened litigation pursuant to O.R.C. 121.22(g)(3); Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

The meeting adjourned at 8:38 p.m.

Mr. Linn moved to **adjourn into regular session**; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

Meeting reconvened at 9:29 p.m.

Such other business that may come before Council

Mayor Donegan reported that a meeting will be held with Rural Lorain Water Authority regarding a discussion about the possibility of transitioning over to the City of Berea Water Department. She also reported that a meeting will be held to discuss the possibility of WOW becoming a cable vendor for the community. This will be determined by the costs needed to run lines through the City.

Ms. Duncan moved to **adjourn**; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:30 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council