

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, October 11, 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 7:34 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: Gregory M. Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, Rosann Jones, Manager Business & Community Services, Bob Arida, Interim Fire Chief, Bill Traine, Asst. Safety Director and Alex Russo from Cresco Realty. Audience: 5.

Approval of Minutes:

Mr. Linn moved to **approve** the minutes from the Regular Council Meeting of September 27, 2016; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Sculac). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Special Council Meeting of October 4, 2016; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays; 1 abstain (Stibich). **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Donegan indicated that she will swear in Ty Bromund as a full time firefighter/paramedic in the Olmsted Falls Fire Department. She stated that she is excited that Mr. Bromund is joining the department and is someone she believes we will see move up in the ranks of the department. She stated that Mr. Bromund has been with our department in a part time capacity since May of 2014; he was hired in Strongsville full time in April of 2015 but his love of Olmsted Falls, the community and the department he has chosen to join our department. He was in the Charleston Fire Department and was one of the top recruit recipients in the class of August 2014. He attended Midpark in Berea; studied firefighting at Tri-C and Parma Paramedic program. She stated that Mr. Bromund sat through a couple interview processes. She indicated that in attendance this evening was former Chief Munteanu, Adam Campana; Jonathan Lewis; Jeff Melton; and Ben Ovelgonne; Interim Fire Chief Arida; Randy Kimbro; and Asst. Safety Director Traine. During the interview process we were able to learn about him as an individual and we were impressed with all of his knowledge.

Mayor Donegan administered the Oath of Office to Mr. Bromund.

Mr. Bromund thanked the Mayor and Council for this opportunity and he will make everyone proud every day to the best of his abilities. Chief Arida stated that he would like to welcome Ty officially to the department and is happy that he has joined the team. He believes this will be Mr. Bromund's last move.

Mayor Donegan indicated that Chad Gluss is the acting assistant chief and is excited that he will be one of the candidates interviewed for the fire chief position. She stated that while she was traveling home this evening and she noticed an officer changing a 16 year old girl's tire, her parents were out of town and she was all alone, Officer Ovelgonne.

Mr. Russo indicated that he is present this evening at Mr. Haviland's request. Mr. Haviland indicated that he reviewed the Cresco Realty Estate Broker Agreement the City has with Mr. Russo. The agreement indicates that Mr. Russo has the ability either lease or sale City property; he reviewed the agreement in order to determine if Mr. Russo had the rights to sell property. He has spoken with a couple of people regarding their interest in city available real estate. In his past experiences some deals will only happen if a sale is involved and from his review of the contract Mr. Russo has the right to sell but, Council has only allowed him to present deals that involve leases. In order to not limit the city or any opportunities he would like to recommend that Council consider allowing Mr. Russo to talk to potential tenants regarding either leases or sales. Any deal would ultimately have to be presented to Council and he feels that we are telling Mr. Russo if it's a sale we don't want him to pursue that. He is unsure what formal action would need to be taken, but this ability is in the contract and his recommendation is to allow Mr. Russo to do what he does best and not limit ourselves to look at other opportunities. Mayor Donegan stated that Mr. Russo does have the right and any deal does have to be present to Council. Mr. Linn indicated that he is in agreement with Mr. Haviland's recommendation. Ms. Garrity indicated that she is unsure why Mr. Russo was limited. Mr. Russo stated that initially the premise was to see if we can create some type of sustainable income for the city. The first approach was to enter into leases which would give the city that ability. After being involved for the last year he is beginning to see different activity and believes it will be helpful. For example, there is someone looking a piece of land behind the new service center as that piece of ground could potentially be a nice site for light manufacturing but this individual indicated that he would rather purchase the land than enter into a long term ground lease. A lot of time lenders will not subordinate to a ground lease and this would give us another tool to use. Mr. Sculac stated that we have always been reluctant to sell property; but he does not want to inhibit our ability to draw people in if the only way they are willing to do so is purchase property the terms would be presented to Council and we would then have the ability to turn down the deal, if Council so determines. Mr. Linn stated that Chapter 10.06(c) in the City Charter states explicitly that not only would review but the sale of unwanted, unneeded property would also be reviewed by Planning Commission, who in turn would give Council a recommendation. Mr. Sponseller indicated that was one of the points he wanted to make. A general overview of the law associated with publicly owned real estate, is that in Ohio any publicly owned property that is going to be offered for sale is to be publicly bid and sold to the highest bidder. Olmsted Falls is a charter city and under the charter we have certain individual discretionary authority if we make certain findings so in order to avoid going through a public bidding process. Among those findings typically is that the property is uniquely situated, its marketability is limited, and Cresco Realty would be marketing the property. There is a slight difference between a lease and a sale; the lease, similar to the Wine Cellar or Unbroken Fitness, do not require mandatory referral to Planning Commission but the information, as the Mayor always wants is to communicate, is sent to them so they know what is going but Council can act on its own with respect to a lease and authorize that lease. The sale of real estate cannot be passed under emergency clause in order to allow the public an opportunity to seek a referendum on any legislation but, it also does requires a review by the Planning Commission and a recommendation. As Mr. Linn pointed out these are checks and balances. Any proposed contract must be presented to Council, whether it's a lease or public sale, and Council would have to make specific findings to exempt ourselves. It is more effective for the community to

take old property that is no longer needed for municipal purposes and allow it to be sold with Council's review and Planning Commission's recommendation.

Ms. Duncan stated that the property located adjacent to the new service complex is park property. She believes that the property will need to be sold in order to reimburse the park fund. She does not understand how a long term land lease would work out monetarily.

Mayor Donegan stated that since it is in the contract she believes Mr. Russo can be confident to move forward.

Mr. Russo stated that his exclusive agreement with the City is coming up for a renewal and distributed the renewal to Council. Mr. Sculac stated that with the renewal and Council is in agreement to pursue sale options that should be included in the renewal. Mr. Sponseller stated that there are no changes to the agreement except for the duration of that agreement.

Mayor Donegan stated that there was latitude in the agreement but generally recognized the former Council's reluctance on selling city property. She stated that Ms. Duncan brings up an excellent point regarding the property located adjacent to the service complex.

Mr. Linn moved to **extend** the exclusive listing agreement for the sale and/or lease of city owned property Cresco Realty to expire September 25, 2017 with the same terms and conditions; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Russo stated that with regard to the old service garage on Brookside he has begun discussions with a fitness company who wants to come in and do personal training and would take the building "as is." He stated that Safebuilt did a survey on the building to give an idea as to what can or cannot be done in the facility and according to them an occupancy permit can be issued not to exceed 15 people. There are a couple of needed repairs that the tenant would handle along with minor renovations. Basically he will use the floor of the service garage for fitness training. There needs to be a definition of the "premises" that he will take over which will be handled in an exhibit. The property sits on approximately 1.7 or 1.8 acres, the building is approximately 2100 square feet and the fitness company will have access to the front of the building and then some parking. He stated that Mr. Borczuch will demolish the outbuildings that have been deemed uninhabitable and will grade the area and plant grass. He stated that the tenant will be responsible for all utilities, gas, water, electric, sewer, trash removal, heating, cooling, and interior/exterior maintenance repairs. A clause was added regarding the real estate taxes and will be investigated by the finance director. The property is not currently on the tax roll but once it is occupied it will then be assessed and an invoice sent. Mayor Donegan stated that the occupancy by the letter of agreement and eventually a signed contract would be 1/1/2017 but the tenants would take occupancy a couple of months sooner so the taxes would become effective for 2017 with a not to exceed \$2,000. Mr. Russo indicated that the number will be reviewed once a determination on the taxes is made. The tenant would like his rent at a specific level. Mayor Donegan indicated that the city would not be responsible for snow removal as it would impact the service department. Mr. Russo stated that the letter of agreement also indicates that the tenant shall pay a pro-rata share of common areas expenses and be responsible for snow plowing, shoveling and yard maintenance. The landlord would be responsible for the parking lot maintenance and landscaping. Another caveat is the storm water sewer tax bill but the tenant will be responsible for that payment as well. The City has the right to terminate or relocate with 120 day notice and the tenant has asked for the same right. The tenant will provide financial statements and a decision will

then be made regarding the amount of the security deposit. He stated that currently the document states one month's security, subject to review of financials. The rent for the first 12 months will be One Thousand Dollars (\$1,000); it would then increase the second year to One Thousand Five Hundred (\$1,500); and the third year would be Two Thousand Dollars (\$2,000). Mr. Sponseller indicated that similar to the Olde Wine Cellar, he believes there should be a personal guarantee on the rent. Mr. Linn asked if the business was a permitted use for the zoning. Mr. Sponseller indicated that the building department indicated it was.

Ms. Garrity stated that some of the neighbors in the old service garage area have repeatedly asked her to keep them updated, is this something that they are aware of? Mayor Donegan indicated that she held a town hall meeting and most of the neighbors were in attendance. There were complaints and concerns and one of the challenges that the city faces is that the land around that is available is located next to residential properties. Not unlike the Wine Cellar there will be some hesitancy. The residents want to be good neighbors as well as the City and as long as we keep the lines of communication. This business will not have people going in and out 24/7, like a Planet Fitness. This business is operated by a husband and wife with two small children and resident in the Township. This will be a class basis business. The City does need to set the example when property is being developed and be good neighbors to the residential areas. As she did explain to the residents in attendance at the town hall meeting we cannot expect the tax burden to fall on the residents.

Mr. Sponseller stated that the legislation calls for this to be sent to the Planning Commission for informational purposes and asked the Clerk to forward a copy to the Commission.

Mr. Russo indicated that the tenant would like the process to move forward in order to move into the facility. He stated that an answer regarding the taxes is needed and some sort of approval from Council, subject to specific parameters. Mr. Sculac asked if these individuals had experience with regard to this type of business. Mr. Russo stated that these individuals have been in other facilities and are currently operating the business out of their home garage. He stated that both are personal trainers. Mayor Donegan indicated that this couple purchased the old Buckeye Tree Company property and they have a large client base.

Mr. Linn stated that the language indicates that the property tax payment will not exceed Two Thousand Dollars (\$2,000) and asked Mr. Presley what the current tax amount was. Mr. Presley indicated that the property is not currently on the tax roll. Mr. Linn asked if the current dollars amount was realistic. Mr. Presley stated that considering this is an old garage he does believe that amount to be realistic. Mayor Donegan stated that if the property taxes are more than the \$2,000 the City will absorb that portion.

Mr. Haviland stated that Powerhouse on Bagley Road made the determination that they needed to be open 24 hours and since this issue has already come up it would be wise to inform this business that a 24 hour operation would not be an option. Mayor Donegan stated that this will be class specific. Mr. Russo recommended that the owners indicate their hours of operation. Mayor Donegan asked if Council would approve the legislation with parameters such as taxes, hours of operation, etc. Mr. Sponseller indicated that the exhibit suggested in the legislation identifies a term sheet, which is what Mr. Russo is referring to. The final lease agreement will be subject to the Law Director's review, based on the input received from Council. He understands that any real estate taxes applicable to this structure arising as a result of this activity should be paid for by the tenant; the other issues related to the personal guarantee will be discussed. He stated that Council can approve the legislation and term

sheet, which will limit the administration to negotiate a final lease that is consistent with the term sheet. If there are any deviations the lease would have to be re-presented to Council for review.

Mayor Donegan stated that confirmation of the taxes is needed; the addition of a personal guarantee; and clarifying hours of operation and limit to some degree.

Mr. Sculac asked if Council would be willing to authorize approval contingent upon agreement between the Mayor, Law Director, and Finance Director that all these issues should be resolved. As long as these three parties are comfortable with the three issues discussed this evening a lease can be signed in order to prevent a delay in the process. Mr. Sponseller stated that the term sheet can be modified with the legislation is on first reading this evening.

Mr. Stibich stated that knowing the City has a right to terminate in 120 days gives Council flexibility.

Mr. Russo stated that the food pantry is currently located in the old library but will be moving into the 2nd floor of the administration building. There will be some upgrades needed for fire, etc. and we are now re-visiting a few of the tenants previously approached in the past. He stated that two have indicated that they are still interested. One of the tenant prospects is a financial service company and the other is a photography studio. There have been other inquiries and he has shown the lower level of the building to prospects.

Mr. Russo stated that currently there is a developer looking at the old library property. Mr. Russo indicated that he will be encouraging the developer to prepare preliminary site and development plans for a mixed use development. He stated that the Wine Cellar is impressive. This was a classic example of taking a building and updating for themselves. He stated that the developer is looking at retail and residential. Mayor Donegan stated that an individual from the county's historic preservation department visited the old library and indicated that there was no historic value in the building, except the railing, she asked Council to keep that in mind. She stated that this Council may be challenged by perhaps some sort of an arrangement that may include demolishing the old library. She encourages Council to keep an open mind and ask questions now as opposed to later. She stated that currently there are no plans to demolish any portion of the building.

Mayor Donegan stated that the Wine Cellar will hold their grand opening on October 14th and 15th. She asked if Mr. Russo could possibly get the sign moved from the corner. Mr. Russo indicated that the removal has been ordered and has received a confirmation that the sign will be moved. Mayor Donegan indicated that the utilities have also been transferred.

Economic Development Strategic Plan – Mayor Donegan stated that she met with TeamNeo. She spoke with them regarding the City's plans and about the JEDD property. The City now has a master plan along with an internal strategic five year plan but she was advised that it was important to also look at an economic development strategic plan. She will meet with a company called Juniper, who will look at the city's available land and indicate what she go where and why. She also believes this type of strategic plan is important which will help the administration be confident in the decisions made as to what development is placed on the city's available property.

Rural Lorain Water – Mayor Donegan indicated that she met with them as well as the City of Cleveland. There are approximately 100 homes who are still serviced by Berea Water and are unhappy not only with the quality but also the surcharges. We have met with both entities to discuss

either extending Rural Lorain Water or transfer to Cleveland Water. She will keep Council apprised as to any new developments.

Mr. Linn stated that two members of the Civil Service Commission currently utilize Berea Water at this time and both brought in their water bills which were in excess of \$525.00 for only two people living in the homes, per quarter. One of their issues is the quality of the water coming from Berea and are appalled at not only what they have to drink but also paying in excess of \$525.00 per quarter. These two individuals also indicated that approximately 90% of the residents in the area are very interested in moving to Rural Lorain Water. He stated that Mr. Peters and Mr. Borczuch from the service department have taken a big role in this issue and have presented the city with a lot of information to make the move possible.

Mayor Donegan indicated that Shade Tree was present at Falls Day in the Park. The Park and Recreation Board also put together a postcard to advertise what they do. She is very impressed with what the board is accomplishing.

She stated that occasionally the city receives thank you notes from individuals for fire, police and even administration. She is very happy to receive these notes. Everyone in the city is working very hard to not only complete their job and do it well but also understanding that we are serving the customers of our City. She stated that all the departments work well together and with the administration.

Mr. Linn stated that he would like to emphasize what took place a couple weeks ago. He stated that at 12:13 in the morning on Saturday he received an email from a young lady on Columbia Road, Emily Harris, she had multiple issues with street signage missing, broken telephone poles, speeding vehicles, an abandoned house next to her with holes in the roof and the fact that her daughter is afraid to walk past this house. He then emailed Chief Traine, Mr. Borczuch and Mr. Kopchak in the early morning hours. Chief Traine responded by 9:30 a.m. on Sunday and copied Ms. Harris. He indicated in that email that he would provide a traffic detail to this area on Monday morning, which he did, five speeding tickets and one OVI ticket was issued as a result of that detail. He stated that Mr. Borczuch responded to her regarding the telephone issue and Mr. Kopchak indicated that he would contact the owner of the abandoned home. He stated that the owner of the property has indicated to Mr. Kopchak that the home will be demolished as well as the garage and there is interest from Mr. Simon, who owns the Sunoco Station, to purchase the parcel. He stated that all of this transpired within 30 hours of Ms. Harris' first email. He stated that Ms. Harris was overwhelmed with the response and was speechless with the amount of attention that email got her. He thanked everyone involved in resolving these issues. Ms. Harris also indicated that this type of response is what everyone loves about Olmsted Falls.

Mayor Donegan stated that the executive team has added the implementation of the master plan to the internal strategic five year plan and will be reviewing.

Communications from Residents - None

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2016-18; Mr. Duncan **seconded**. Poll: 7 ayes; 0 nays.
Motion carried.

Officials Reports:

Rosann Jones, Manager Business & Community Services

Ms. Jones stated that in anticipation of Council making a decision regarding the old library she would invite them to go and take a look at the inside of the building in order to obtain a clearer picture.

She also indicated that she does have an appraisal in her possession for the old service garage which could help in determining the tax value.

She met with Mr. Russo and a Mark Sherry from Xcelligent who updates available property located within cities. For example, on the economic development or business sections of websites for Strongsville, Middleburg Heights or Parma you can pull up a list of all the available properties in the community, whether they are for sale or lease commercial or industrial. This company keeps that list updated by having people drive around the community looking for the properties. She stated that Olmsted Falls is not booming and we do not have a lot of properties available however, for someone from the city to drive around and see what is available would take time, which makes this a nice service for our community. She did check with other communities inquiring what they currently pay for this service monthly and for a charge of \$100/per month we are abundantly cheaper than other communities. We will be taking advantage of this and believes that some time in November you will see this as a part of our website. This not only will list our city properties but also properties Mr. Williams or Mr. Boyer have up for lease or sale.

Mayor Donegan stated that from an economic development perspective there are certain key properties the city may want to discuss. For example, the home by the fire station that Council previously discussed or another property that we may want to strategically purchase for our future use.

Mr. Miller stated that he understands the idea behind economic development for the entire community but does hope that if we are adding private property owners onto this list that a discussion could take place regarding them helping defray some of the costs.

Mr. Russo stated that for a point of verification, this is a third party company that actually drives the market, these are only commercial properties not residential properties. The link is then tied to the City website. When you go onto the city website it will only display the properties in Olmsted Falls that are available for commercial, retail, industrial, or office related. The service that the city would be buying would be the ability for them to tie the information back to the website. He stated that he specifically asked about when the list populates and was informed that it will only populate properties within the City of Olmsted Falls. He believes there is an advantage if someone is in the market and are looking at the city website properties would be listed. Ms. Jones indicated that this not only benefits private commercial property owners but also benefits the city because we do not want those buildings sitting empty the city wants them filled as well.

Mr. Sculac stated that over the years the city has received pieces and parts of property from the county land bank. Is the city actively seeking to sell those properties or give them away to abutting property owners in order to prevent the service department from maintenance on those properties? Ms. Jones indicated that the city is as Mr. Borczuch reminds the administration often. She stated that there are a couple of properties located on "paper streets" that she has been researching and dealing

with as well. She stated that this is not an easy task and for every property we take off the city's books, she receives a phone call from someone who wants to hand over property to the city.

Steve Presley, Finance Director

Mr. Presley stated that with regard to the health insurance, the employees have until Friday to complete a form fire application which gives a complete medical background on themselves and anyone who is enrolled in the city's health care plan. We will then use that information to go out to market to get the most accurate quote for the city. At the same time, County Council held a special meeting looking for additional information regarding the county program. He believes the city should then receive some more details. They are also looking to analysis the rates and quite possibly offer different rates, from what he is understanding after talking to county individuals, the rates are being driven by Oswald but the evaluation is not being handled by the fiscal office of the county at all, which is producing some concerns. County Council members do not want to see this have an impact of their member cities that it is having with a 38% or 40% increases.

The general liability and property insurance is out to market. One of the individuals who previously came back with a pool number will not submit a quote because some of the markets he has inquired to already have the city's insurance and they would not be able to come back with an umbrella. All claim losses have been turned over to the city's current insurance who are looking for renewals prices and also new underwriters who have come into Ohio. Once he receives the information he will meet with the insurance committee, if necessary, before presenting to Council in November.

Mike DeSan, Asst. Finance Director

Mr. DeSan indicated that he is finalizing the third quarter reports and will present them to Council prior to the finance committee meeting.

William Traine, Assistant Safety Director

Mr. Traine thanked Mr. Linn for his compliment and does take customer service very seriously and how people are treated, talked to, and respected. When the Mayor touched on Mr. Ovelgonne's help in changing a young girls tire, he personally has daughters, and having a new driver getting a flat tire and parents being out of town then finding out your young daughter had car trouble and then being relieved that an officer stopped to help her change the tire and got her back on the road. This act sends a strong message and when those parents return home he is sure the police department will have more support from the residents.

Mr. Traine stated that interviews for the full time civil service patrol officer have been completed. We fully vetted and screened 13 applicants and from that a selection of two of the most qualified candidates was made. Both these candidates are currently part time Olmsted Falls police officers, one with 14 years and the other with 12 years. Both candidates have full time law enforcement jobs elsewhere, one is a sergeant and the other is to be promoted to sergeant, this one is his worry. These officers scored the highest during the interviews, both impressive. There were questions that were submitted to them in real factual life circumstances that could be encountered, he was very proud to see how knowledgeable they were.

The current staffing level for full time officers has dropped to eight, counting himself, the department is supposed to be at 12 civil service police man. The current part time staffing level is at 13, but, one of the officers, who was also a full time applicant, went to the City of Cleveland. There is one part time officer who will be terminated because of his attendance. There is another part time officer who

will resign to take a full time position in another field. This will reduce the part time staffing level by another three, the department should be at 14 for part time officers. He stated that these two part time officers are hired full time that will reduce the part time level by two additional for a total of five, which reduces the part time staffing to nine. The maximum hours part time officers can work is 24, by hiring the two full time officers this will work out the hours. His concern is if one of the candidates is promoted in the sheriff's department he will decline our offer. The other officer has held on through two civil service lists. He spoke with Mr. Presley who has no objections the hiring. If he is granted the privilege of hiring two additional full time officers he would not replace the part time staff at this point and monitor hours being cautious of payroll. He would ask Council to appoint these two officers to a full time position. These officers performance, objectives and goals have been met, they are both outstanding police officers.

Mayor Donegan asked why she was not informed of these critical officer levels to which Chief Traine responded that she was not informed appropriately. A partial background check will be conducted on both officers. Chief Traine stated that he will touch up their background checks to ensure that since they have been employed by the city nothing has happened. Mayor Donegan stated that if Council chooses to appoint this evening at the next Council meeting these officers can be ratified and these officers can be given their Oath of Office. Chief Traine stated that he would like to extend these officers an offer to become full time with the department.

Mayor Donegan indicated that one officer is Dan Daugherty and Michel Dunegan. Chief Traine stated that when the part time officer resigns on Friday he will begin having scheduling issues and there are vacation coverages as well. Mayor Donegan indicated that the part time officer informed the Chief today of his resignation, which accelerated this request. She indicated that the individuals involved in the interview process included, Chief Traine, Deputy Chief Rogers, former Chief of the Sheriff's office Pukash and herself.

Chief Traine indicated that the city will not incur a fee for the background check as they are currently listed with BCI all he has to do is have them become LEADS re-certified, which will indicate any issues that may have arisen.

Mr. Stibich moved to **appoint** Dan Daugherty and Mike Dunegan to a full time position in the Olmsted Falls Police Department pending the outcome of the background checks; Mr. Haviland **seconded**. Mr. Sponseller stated that, pursuant to the Civil Service Eligibility List, these two candidates are currently on the list and recommended through the vetting process. Mr. Stibich asked if the staff shortage has helped payroll. Chief Traine indicated that the shortage will cause an increase in payroll but by hiring these two full time officers it will pay out less due to the decrease in overtime. Mr. Miller asked if Council was running afoul of any process to appoint these officers this evening. Mr. Sponseller replied no as long as they are on the certified Civil Service list which the Chief has indicated. These officers have gone through the vetting process. These officers will be placed on the next Council agenda for ratification. Mayor Donegan stated that it is running afoul of her process as she always wants to give Council adequate notice that they will need to vote on something substantive. Mr. Sponseller stated that this process deviates due to the circumstances in the police department with the law man power. Poll: 7 ayes; 0 nays. **Motion carried.**

Chief Traine thanked Council for their support.

Councilman Kyle Miller, Ward IV – No Report

Councilman Jim Haviland, Council-at-Large

Mr. Haviland stated that the new infrastructure and water and sewer lines are running to the approximate location of the JEDD territory. At the last JEDD meeting Bricker & Eckler made a presentation. This company is very experienced in JEDD properties across the state. They will make another presentation in November which will include a proposal describing what services they can provide around the existing contract with Olmsted Township. They will also present best practices that can be added to the current contract that will be more beneficial to Olmsted Falls and the Township. These practices include advice on land assembly strategy, and financing recommendations for infrastructure. He wants to commend the Mayor for bringing this proposal to the JEDD Board. He believes the proposal was well received and there is a consensus to evaluate. With all the movement that is occurring and the marketability having someone with expertise who will provide capacity to both the Township and the Falls is it's a great step forward and will give us the ability to respond more quickly to any inquiries. Mayor Donegan stated that she believes we need to push forward as hard as we can. She would like to commend Mrs. Jones for keeping this in front of her. There is nothing like stumbling into an opportunity when you are pursuing your own economic development. She extended an invitation through email to all of Council and believes it is important for Council to attend the next meeting. If the JEDD board moves forward with this company they will ask for additional dollars and have already. She is trying to make certain that any additional dollars provided to the JEDD is used to maximize a positive outcome for both communities. She also thanked Mr. Haviland for his leadership on the JEDD it is noted and appreciated.

Councilman Bob Sculac, Ward I

Mr. Sculac moved to **acknowledge** receipt of the Mayor's Court reported dated 09/30/2016; Mr. Linn **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash position dated 09/30/2016 in the amount of \$1,915,885.08; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that he would like to schedule a finance committee meeting prior to the next Council meeting at 7:00 p.m. He would like the quarterly reports to review at that meeting. Mayor Donegan stated that she would also like to present the legal analysis to Council as well.

Mr. Sculac stated that he would also like to schedule budget hearings as well.

He received a couple of phone calls from residents on Brookside indicating that when the sidewalks were installed and the grass replanted evidently, and he is unsure if whether or not the grading was done properly, but some residents now have ponding water on their sidewalks that they did not have before this project. Also, the weeds are growing rather than grass. Mayor Donegan indicated that the residents were also present at her town hall meeting. She has spoken with Mr. Iafigliola who was the project manager and also walked this area after a rain. There seems to be some issue with if the ponding occurred before the new sidewalks were installed or not. As far as the re-grading the city is researching this issue. There are three residential properties that indicate that there was no ponding prior to the new sidewalks and the city is looking into the issue.

Mr. Sculac indicated that he has been receiving phone calls regarding the school ballot issue. Evidently, residents are looking to determine whether we are supporting the issue and if we have

information, he has referred those calls to the school so we are not involved with the issue. Some of the questions were regarding how much it would cost as the information in terms of what the cost to the taxpayer would be has not been sent out. Mr. Linn stated that the schools have published numerous informational pieces indicating that there were be no additional costs to the residents. Mr. Sculac indicated that people do not seem to understand that because it is almost too good to be true.

Mr. Miller stated that the schools did hold an informational meeting yesterday evening. The Superintendent spoke about a lot of the issues and that could be where some of the questions have arisen from and whether or not the resident was in attendance at that meeting. He does hope that the schools will have an additional informational meeting between now and the election.

Councilwoman Terry Duncan, Ward III

Ms. Duncan congratulated the Park and Recreation Board for the Falls Day event, unfortunately she was not in attendance. She stated that the Citizen of the Year was Phil Moody and Ms. Dumound wrote a wonderful story regarding Mr. Moody. Mayor Donegan stated that Shade Tree Commission members were also present. Ms. Duncan stated that she encouraged that commission to attend.

Ms. Duncan stated that Sustainable West Side is having a community event on October 26th. She asked Ms. Jones and Mayor Donegan if there was any information they would like her to take with her. She has an opportunity to make a presentation. She can make a verbal presentation as she does not have a computer presentation. Mayor Donegan indicated that she will speak with Ms. Jones and make sure that information is forwarded onto Ms. Duncan.

Ms. Duncan stated that she received information from one of the Park and Rec board members from Cuyahoga County Greenprint who offers mapping and planning tools. They will be holding a training session on October 18th in Parma from 2:30 p.m. to 4:00 p.m. at the Parma library. She inquired if someone from the service department would like to attend and if the City Engineer is aware of this presentation. Mayor Donegan stated that generally the engineer is aware but she would look into it. She will also speak with the service director and see if someone from service could attend as this is a tool that the city could utilize. Ms. Duncan stated that this training session includes a presentation for current best practices and creates maps and files needed for grant applications. Ms. Jones indicated that she would attend this session.

Ms. Duncan stated that the Environmental Protection Board did not meet officially due to the lack of quorum. She stated that the members are confused and are unsure if they are still a viable board. She did explain to those members present that meetings should continue as the election on November 8th will determine if the board will continue to meet or if any of them will be asked to join the new board. Mayor Donegan stated that these members will be asked to stay on as it is absolutely critical that this will be a component that the city does not lose. Especially, with the riparian issues the city has had over the last years and clearly should have been referred to the environmental board.

Councilman Paul Stibich, Ward II

Mr. Stibich indicated that he received a request regarding the Welcome Signs for the City. He stated that signs used to have additional language “home of the state football champions” and volleyball and he has noticed that those were removed. He would like to know if these additional slats could be placed back on the Welcome signs. Mayor Donegan indicated that the Service Director has indicated that within the park system another sign will be installed for the sports teams, like other communities have done. He felt that it was not appropriate for a welcome sign. Mr. Stibich stated that he thought

it was a great source of pride for our community and knows that Olmsted Township still has their markers on the signs as well as other cities. He would like to see those placed back up. Mayor Donegan stated that this was a decision through service department and they will be erecting another sign in the park system. She stated that Director Borczuch indicated that the football acknowledgment was 20 years ago and should be placed in another location.

Councilwoman Linda Garrity, Council Pro-Tempore

Ms. Garrity stated that she would like to adopt the Council Rules of Order. This issue was held due to the fact that two members of Council were not present at the last meeting.

Mr. Miller moved to **approve** the revised and updated Council Rules of Order for 2016 and 2017 Council term; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Garrity stated that she has spoken with Mr. Presley regarding the health insurance. She would request that the Clerk of Council schedule an Insurance Committee meeting. This will be a short meeting to review questionnaires that Mr. Presley is having completed. Mr. Presley indicated that the questionnaires are not subject to anyone's review except the insurance consultant those are private matters relative to HIPPA. Ms. Garrity stated that she believed it was in terms of what the employees were looking for in health insurance. Mr. Presley replied no, these are all health issues relative to the employee's to establish the risk of the group. Ms. Garrity apologized and indicated that she believed it was for the employee's preference and misunderstood. Mayor Donegan indicated that Ms. Garrity believes this was a different type of questionnaire. She stated that with what the City is challenged with it is incumbent upon the Insurance Committee to take an active role in how this decision is made. She would also like to mention, we have asked for a separate Health and Wellness quote from Southwest General. It is incumbent upon us now to take a very pro-active role. For example, the City of Strongsville has a program that they received a 3% discount this year in health insurance which is almost unheard of.

Ms. Garrity stated that the invitations for the Veterans Day program have been distributed. She thanked Ms. Duncan for all her help getting out the invitations.

She stated that our police department spoke with the Berea Police Department in terms of a new opioid addiction program they are sponsoring. The program will allow someone with an addiction to freely enter the police department without fear of conviction as a means to seek assistance into rehab or an alternative path to recovery. Over the summer, the Township joined the Berea Police Department for this important partnership and now our police department will begin talking to Berea, since we provide mutual aid for each other. Our police department has just begin discussion with Berea to join this partnership as well.

Councilman Jay Linn, Council President

Mr. Linn stated that the Civil Service Commission met this afternoon to discuss the police chief testing. The procedure to test is in place, under the guidance of Mr. Incorvaia, the language was solidified in order to make sure there are no misinterpretations as to who is eligible to take the test.

He stated that there are many positive things moving forward in this community and it is due to the professionalism that is being emulated from the top and from this Council. The professionals we have working with us, along with the professionals sitting at this desk, does not happen by accident, they happen because everyone here wants to move this community in a forward direction, even Mr.

Presley. He would like to make a suggestion to everyone in attendance, he has a very strong feeling about a piece of property on the eastern side of Columbia Road that he believes would be a key piece of property for this city to investigate inquiring. He would like to see a concerted effort to look at what was known as the Burke property. This property is adjacent to the City's Village Green and would make a perfect overflow parking area for downtown. We have discussed the usage of the old library and its entire area around and he would like all of us to seriously put our heads together and look at that property and the various uses the city could use it for. This group works well together and the entire administration and we should research to determine if this property is feasible. Mayor Donegan indicated that Mr. Presley is always suggesting looking at properties that might make us advantageous. This is also an issue that Mr. Linn has talked about for a couple months.

Gregory M. Sponseller, Law Director – No Report

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 **Tabled on Third Reading (09/27/2016)**

Mr. Presley indicated that he did not get confirmation and Mr. Sponseller did call to remind him. He apologizes for the oversight.

Remained on table.

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 **Third Reading**

Ms. Duncan moved to **table**; Mr. Stibich **seconded**. Poll: 7 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 **Third Reading**

Mr. Stibich moved to **adopt**; Mr. Haviland **seconded**. Mr. Linn asked Mr. Sponseller if he has any input regarding how other communities are handling this issue. Mr. Sponseller stated that communities are issuing moratoriums to make certain that situations are not allowed or arisen that gets out of control prior to investigating. No businesses have come forward looking to do anything along these lines, but, it does establish an opportunity for this City and others, to implement whatever is appropriate from a zoning and regulating standpoint and creates a moratorium for six months which is a relatively short time. Based on analysis this may need to be extended in six months but he will not presume that. This is a good step to prevent issues from arising that could otherwise be

avoided in the short term. Ms. Garrity asked who would track the dates so if this would need to be extended. Mr. Sponseller replied that he and the Clerk will. Poll: 7 ayes; 0 nays. **Motion carried.**

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” **Second Reading (referred to Planning Commission 09/27/2016)**

New Business

Resolution 51-2016

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEAR 2017 AND TO DIRECT THE CUYAHOGA COUNTY FISCAL OFFICER TO CREDIT THE CONSIDERATION PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS FROM TAX SETTLEMENTS DUE THE CITY OF OLMSTED FALLS AND DECLARING AN EMERGENCY **First Reading**

Mayor Donegan indicated that the annual report will be available in the Clerk of Council’s office for review.

Resolution 52-2016

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CERTAIN LEASE AGREEMENT FOR A PORTION OF THE CITY OWNED PROPERTY LOCATED AT 8051 BROOKSIDE DRIVE (FORMER CITY SERVICE GARAGE), MAKING FINDINGS RELATED THERETO, ALL TO PROMOTE BUSINESS AND ECONOMIC DEVELOPMENT IN THE CITY **First Reading**

Mr. Linn moved to **suspend**; Ms. Garrity **seconded**.

Mr. Miller indicated that he would prefer this legislation to run through its normal course. Council did discuss the fact that this will be an impact within the community. He would prefer not doing anything that would compromise a deal, but, also wants to make sure that the public has an opportunity to know where the city is going and have the opportunity to comment, should they choose. Mr. Linn stated that he believes Mr. Russo’s comments indicated there was somewhat of an urgency. Mr. Miller indicated that he realizes there is an urgency to move forward which is why he stated he does not want to ruin any type of deal, but, for these types of issues, he move prefer that they run through the normal course of order to allow appropriate review by the public. Mayor Donegan stated that if Mr. Miller prefers leaving the legislation on the agenda she would ask for a motion from Council to at least approve the letter of intent. If this issue is left on the agenda for six weeks that would take us into November and this is a time sensitive issue which was the reason for Mr. Russo’s presentation. Mr. Sculac reiterated that if Council can agree upon a contingency that

would be approved by the Finance Direct, the Mayor, and Mr. Sponseller than he would suggestion approving a motion.

Mr. Linn **removed** his motion to suspend, Ms. Garrity removed her **second**.

Resolution 53-2016

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH _____ IN ORDER TO IMPLEMENT HEALTHCARE INSURANCE COVERAGE FOR ELIGIBLE EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY **First Reading**

Mayor Donegan indicated that it is unusual to have blanks in legislation but this was placed on the agenda to begin the three reading rule.

Miscellaneous New Business

Mr. Sculac to **approve** the letter of intent to lease 8051 Brookside Road, Olmsted Falls, Ohio 44138 to tenant Unbroken Athletic, contingent upon the Finance Director, Law Director, and the Mayor finalizing the tax issues, personal guarantee, and hours of operation; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Such other business that may come before Council - None

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

The meeting adjourned at 9:20 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council