

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, December 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 called the meeting to order at 7:38 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, Mike DeSan, Asst. Finance Director, and Steve Presley, Finance Director, Joe Borczuch, Service Director, Rosann Jones, Manager Business and Community Services, William Traine, Assistant Safety Director. Audience: 46.

Mayor Donegan asked each police officer and fireman to introduce themselves and state what city they represented. Mayor Donegan thanked Robert Arida for all his work as the interim Fire Chief. She asked for a round of applause for everyone in attendance and stated that they do a wonderful job.

Mr. Linn moved to **perform** the Oaths of Office prior to the approval of minutes; Mr. Miller **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that Chad Gluss has been with the city since 2002 and has had an unbelievable career in the Olmsted Falls Fire Department. He has worked as a firefighter/paramedic, as a fire investigator, has worked at Southwest Medical Center as a paramedic, and became a fire inspector in 2009. Anyone that knows Mr. Gluss knows that his dream was to be a fire chief. There were a lot of candidates, all of them fabulous, but it is always great to promote from within. She has had the opportunity to serve with Bill Traine who is the Assistant Safety Director and brings many years of police experience to the city. Mr. Traine is happy with the turnout for tonight's evening and it is a wonderful recognition by Council and those in attendance. Mayor Donegan stated that we are proud of one of our own. Mayor Donegan administered the Oath of Office to Chad Gluss as the new Fire Chief for the Olmsted Falls Fire Department.

Mayor Donegan stated that Andrew Szell will be the city's newest full time firefighter/paramedic. She stated that Mr. Szell has been with Olmsted Falls in 2007 and came back in 2011, he is a firefighter/paramedic with Cleveland Hopkins Airport. Mr. Szell is friendly, has a great spirit and is also a resident, he has also worked at University Hospitals in the emergency room department. Mr. Traine stated that he personally interviewed Mr. Szell and found him to be a creditable young man who wants to grow and be part of our city. He will be a welcomed addition to the fire department. Mayor Donegan administered the Oath of Office to Andrew Szell.

Mayor Donegan stated that it is an honor to have Chaplain Dean Kavouras join our police department. His reputation is unbelievable, he has a great heart and prays over us a lot and it is appreciated. Assistant Safety Director Traine stated that Mr. Kavouras has been a police chaplain, not just with the City of Cleveland Police Department but also their fire department, an FBI chaplain, years ago in Olmsted Falls when the department did not have a chaplain he came out here to help out. He stated that when he came into the department he wanted to make his position permanent and is now the

department chaplain. He has an extensive amount of background not only as a chaplain but a person, he was at 911 and even wrote a book on it. He is quite an interesting individual and has done more right a-longs in police cars. He original met Dean Kavouras at the scene of an arson and our friendship grew from there. Mayor Donegan administered the Oath of Office to Chaplain Dean Kavouras.

Mr. Haviland moved to **appoint** Ryan Sholtis to the position of part time firefighter/paramedic in the Olmsted Falls Fire Department; Mr. Linn **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Approval of Minutes

Mr. Sculac moved to **approve** the minutes from the Finance Committee Meeting of November 15, 2016; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **approve** the minutes from the Regular Council Meeting of November 22, 2016; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **approve** the minutes from the Special Council Meeting of December 6, 2016; Ms. Garrity **seconded**. Poll: 5 ayes; 0 nays; 2 Abstain (Duncan, Stibich). **Motion carried**.

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Fedeli Group – Mr. Friend introduced himself and indicated that he represented the Fedeli Group who are an insurance advisory firm based in Independence, Ohio. The Mayor engaged us to review the health insurance offered to city employees. The health coverage was formerly offered through the county plan, they are having some challenges and the city was presented with a renewal rate that the Mayor did not find acceptable. He distributed the offers that were reviewed. He would like to call everyone's attention to the review of the current plan of benefits. There are two offers today, one is offered by Medical Mutual of Ohio and is the SuperMed Network which includes all of the providers in the Medical Mutual Network, Cleveland Clinic, University Hospitals, Metro, etc. The second option is a Metro Select, specific to Metro Hospital, we were not able to duplicate that coverage as it is something only offered to large groups and we currently have 27 individuals eligible for coverage. As we went out to the market place we wanted to choose a broad based program that was available to as many hospital providers, physician providers as possible. We represent 20 other municipalities besides Olmsted Falls. We looked at two types of options, one a larger group option that would make the city part of a larger self-insured group, which would be the same option as the county plan, unfortunately due to the health profile of your group the self-insured options did not make a lot of sense. We recommended to the Mayor, and to Council as well, is what we call an ACA plan. This plan is part of the affordable care act, under this act groups from 2 to 50 eligible employees do not submit to any sort of medical questions, which worked in the city's favor. The city received more favorable pricing because they did not analysis medical information.

Mayor Donegan stated that the city received a 38% increase from the County on September 29th, the city then needed to perform Form Fires, and we were able to get the United Healthcare Evolution Gold Choice Plus for 13.35% increase. The city budgeted a 15% increase for 2017. The other option that will also be presented is similar to the Metro plan with a 43.83% increase. There will be an

emergency health care meeting tomorrow at noon, if the employees would like to choose the second option plan they will need to buy up at their cost.

Mr. Friend stated that we are offering a plan that is very similar and almost identical to the current plan with Super Med at a 13% increase and we will offer a second plan with no deductible but due to costs we will allow employees to opt into this plan at an additional cost. Mayor Donegan stated that life, dental and vision plans received a small increase and she will ask that Council untangle and adopt the legislation for health care this evening.

Mr. Haviland stated that the Super Med is a 13.3% increase. Mr. Friend stated that the plan is with United Healthcare and similar to the Super Med plan. Mayor Donegan stated that United Healthcare is competitive due to the fact that they are national and they were able to give the city a more competitive quote. She stated that the city will join with Fedeli to help educate the employees on health benefits and take a more active role. Mr. Friend stated that he will bring in education, wellness and speak with the employees regarding options to manage their health more effectively. Mayor Donegan stated that the City of Strongsville received a 3% reduction which is unheard of at this time.

Mr. Linn stated that he sat on the insurance committee for the Ohio Petroleum Retailers Association 30 years ago with Alberto Fedeli and was always the association's first choice.

Ms. Garrity invited those council members that are on the insurance committee to attend tomorrow's presentation to the employees.

Mr. Stibich asked which options were being recommended. Mayor Donegan replied Evolution Gold Choice Plus 1000 AMNW, with a 13.35% increase and to offer a plan comparable to the Metro Plan. There will be an adjustment period for employees.

Mr. Miller thanked Mr. Friend for putting the information together. He has spoken to other municipalities and they had seen drastic increases in their healthcare. He understands that it was difficult with the group.

Equality Ohio Presentation – Ms. Stembridge stated that Olmsted Falls is a community that is inclusive and holds the values of liberty and justice for all. She stated that Equality Ohio educates and advocates on behalf of the LGBTQ community. In the State of Ohio it is legal to fire someone because they are a member of the LGBTQ community, you are allowed to deny someone housing, all of those protections do not exist. We have worked with local municipalities and there are now 15 communities in the State of Ohio that have fully inclusive protections in the areas of employment, housing, public accommodations. The City of Olmsted Falls currently covers protections in race, gender, and we would add sexual orientation and gender identity or expression. She stated that sexual orientation refers to who you love, if someone is gay, lesbian, or bi-sexual, and gender identity covers who you are on the inside. Mayor Donegan stated that she would request that the legislation committee also review this information. Ms. Jochum stated that the memo presented to Council is a brief analysis of Olmsted Falls' current codes and also included copies of the code where the city currently has non-discrimination protections in place and where a similar update of including sexual orientation or gender identity. We would also encourage the additions of protection in the area of private employment for all protected classes as well as in public accommodations and is similar to what the City of Lakewood recently updated. Mr. Sponseller stated that he believes there may be additional points for grant applications if the city expands the housing. Ms. Jones stated that the block

grant applications request a copy of the most recent protective class limits and over the years she has tried to keep that updated.

ConstituentOn Presentation – Mayor Donegan indicated that she met with Mr. Sweren several months ago and as Council knows the administration is customer service driven and would like to continue the momentum. Mr. Sweren stated that ConstituentOn began as a software company in 2009 with a number of partners and managers. His management team includes former county executives, state delegates, state senators, a former Chief of Staff to a former Vice President who have a real sense of what happens at this government level. We began on the campaign side and over the last six or seven years we found a void missing in the market place on the constituent side. Many jurisdictions do not do a lot to manage the data coming in from the constituents. When a constituent contacts the office a lot of times they are transferred and then the information they were providing is lost forever. The idea of the software is anytime a department is contacted the information is captured into the software and provides their name, the reason for their call, and who they were transferred to. Each constituent that contacts the city receives an automated email which can be customized. The software was built to be user friendly. Mayor Donegan stated that currently we use resident intake forms which are paper forms and clearly this is a way to automate and track. We are customer service driven, this software will let a resident know that we have received their complaint. Mr. Sweren then gave a power point presentation showing what the software and dashboard would look like. Mayor Donegan stated that the administration will continue to explore this type of software and bring more information to Council.

Mr. Miller stated that Mr. Sweren mentioned that the software will auto populate with registered voters. Mr. Sweren replied that his company will add that information. Mr. Miller asked if the information would update as the registered voters change. Mr. Sweren replied yes, the information will be updated depending on the city's needs. Mr. Miller asked how many resident phone calls the city received daily. Mayor Donegan stated that the city began tracking 90% to 95% of all calls mid-2014 and would guesstimate that the city receives a couple of hundred each quarter. The reports are available to Council.

Mr. Linn moved to **re-appoint** Janet Tomasch to the Architectural Board of Review for a three year term to expire 12/31/19; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **re-appoint** Marianne Piterans to the Architectural Board of Review for a three year term to expire 12/31/19; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **re-appoint** Cindie Green to the Park and Recreation Board for a five year term to expire 12/31/21; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **re-appoint** Laura Graham to the Park and Recreation Board for a five year term to expire 12/31/21; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **re-appoint** Bruce Johnson to the Shade Tree Commission for a five year term to expire 12/31/21; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **re-appoint** Tom Shepka to the Shade Tree Commission for a five year term to expire 12/31/21; Mr. Linn **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that she has appointments for the new Planning and Zoning Commission that was passed by the voters.

Mr. Haviland moved to **appoint** the Mayor's Designee to the Planning and Zoning Commission Brett Iafigliola; Ms. Garrity **seconded**.

Ms. Sculac indicated that there is no term limit listed. Mayor Donegan indicated that the term would end with the Mayor's term which would be 12/31/17. Mr. Miller asked if the Mayor was able to serve in this capacity. Mayor Donegan replied yes as it was approved by the voters. Mr. Linn indicated that it was a good decision for the Mayor to appoint Mr. Iafigliola as her designee, he is very qualified and has a background in engineering and construction and is a perfect candidate to lead the group. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Miller moved to **appoint** Council's President's appointee to the Planning and Zoning Commission Jay Linn term to expire 12/31/17; Ms. Garrity **seconded**.

Mr. Miller indicated that he has never known anyone that knows more about the code and the planning for what happens in Olmsted Falls than Mr. Linn. He believes that Mr. Linn is very well positioned for this appointment. Mr. Linn thanked Mr. Miller. Poll: 6 ayes; 0 nays; 1 abstain (Linn). **Motion carried**. Mayor Donegan asked Mr. Linn if Mr. Sculac would continue as the liaison, Mr. Linn replied that was correct.

Mayor Donegan stated that she sent a letter to each of the board members asking if they would like to continue serving and received a good response. One of the troubling issues with these important boards and commissions is there is a lot of power in our organization but no succession planning which continues to be a reoccurring theme. It is important that we bring people and begin to educate them. Approximately a year ago the city became a member of the American Planning Association, which gives a lot of good information on the ethics on boards, planning, and what they are supposed to do. It is difficult to get volunteers as it is a thankless and tough job that requires a lot of work. She wanted make sure that the Environmental Board was represented in order to not lose this important component due to the riparian setback and flood aspects. She stated that Mr. Ron Maichle has removed his name which means there will be one open seat on the board. Ms. Hawkins is from the Environmental Board, Mr. Pehanic and Mr. Budak are from the BZA, Fran Migliorino and Brett Iafigliola are from Planning Commission. She believes this is a good mix and an opportunity to bring diversity to the group.

Ms. Duncan moved to **appoint** Michelle Hawkins to the Planning and Zoning Commission for a one year term to expire 12/31/17; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Miller moved to **appoint** Gary Pehanic to the Planning and Zoning Commission for a two year term to expire 12/31/18; Mr. Linn **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **appoint** Tony Budak to the Planning and Zoning Commission for a four year term to expire 12/31/20; Ms. Garrity **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Haviland moved to **appoint** Fran Migliorino to the Planning and Zoning Commission for a five year term to expire 12/31/21; Ms. Duncan **seconded**.

Mr. Sculac stated that since Ms. Migliorino was appointed as the JEDD Board Chairman would this appointment have any conflicting situations. Mr. Sponseller replied no on its face, if there are specific circumstances that may arise Ms. Migliorino is sensitive enough to bring those to the city's attention for review. Mr. Linn stated that he knows the rules on who can be appointed to a board or commission and believes that it negates any employee of the city or were there changes that would allow us to appoint a city employee. Mr. Sponseller asked if the question pertained to a specific person or future appointments. Mr. Linn stated that he would like to strongly consider Mr. Peters from the service department as part of the environmental board. Mr. Sponseller stated that he would like to review this suggestion prior to answering. Poll: 7 ayes; 0 nays. **Motion carried.**

Mayor Donegan showed the sign that will be posted for Veteran parking by the service department in the spring. She stated that Director Borczuch is always amazing and the spring banners were removed and the logo replaced.

Mayor Donegan would like to congratulate Mike Harb from Falls PC Clinic as he was honored at a dinner in Canton earlier this month regarding the Bright Star Award Plaque for the Chamber of Commerce. If you see Mike please congratulate him.

She stated that the city will proceed with further analysis of Rural Lorain Water and the 170 residents currently hooked up with Berea Water. She stated that Cleveland Water declined to join these residents to their system because of the water pressure service. She is pleased that the city will move forward with Rural Lorain Water for those 170 residents.

She stated that Deputy Chief Rogers included a memo to Council regarding the donation of a vehicle to the police department and would like to request a motion from Council accepting that donation.

Ms. Garrity moved to **accept** the donation of a vehicle to be used by the police department or any other city department the safety director or assistant safety director deem appropriate; Ms. Duncan **seconded**.

Mr. Sculac asked how the city acquired the vehicle. Mr. Presley indicated that an individual passed away, the family did not know what to do with the vehicle and approached the city. The vehicle is in rather good condition. Mr. Sculac stated that since it is a 2002 vehicle will the city have repair costs. Mayor Donegan stated that the vehicle has very low mileage and was checked out by a couple of mechanics. This vehicle will be used for undercover assignments and perhaps a relief for Mr. Kopchak who has been using his personal vehicle. Poll: 7 ayes; 0 nays. **Motion carried.**

Mayor Donegan indicated that health benefits meeting will be held tomorrow and the employee Christmas luncheon will be held on Thursday with the Senior Christmas luncheon on Friday.

Communications from Residents

Paul Bowers, 24044 Sprague Road, stated that at the present time he would waive his right to speak until another meeting so that he may speak with Mr. Borczuch.

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2016-22; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Rosann Jones, Manager Business & Community Services

Ms. Jones stated that she received the year-end report from the Heritage Home Loan Program and the renewal. She stated that for individuals that own homes 50 years or older, there were 32 homeowner inquiries, two technical assistances, without site visits, and 13 site visits. There were two individuals who took advantage of loans. This includes the property located near the old service garage that was painted. She stated that the renewal price includes a 2% increase, however, she would like Council to remember that every year the city engages in the program more homes are added because they become 50 years old. They are estimating that 1,007 homes will be able to take advantage of the program. They promote the program with two postcard mailings. She has actually received phone calls from residents inquiring if this is a real program. They encourage the city to also promote the program which we did last spring by holding a regional educational meeting which she will do again. This meeting was attended by not only Olmsted Falls residents but residents from Middleburg Heights and Fairview Park. She stated that in a community that values its older housing stock this is a nice program to offer.

Ms. Duncan moved to **allow** the Mayor to enter into an agreement with Heritage Home Loans for the year 2017 in an amount not to exceed \$1,142.00; Mr. Linn **seconded**. Mayor Donegan suggested completing a summary of the last three years due to the fact that interest has grown and so has the number of homes. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan indicated that the business and community services budget will be utilized.

Ms. Jones stated that the Harding Foundation has agreed to fund roof repairs for the Covered Bridge. They have approved the project for \$25,000. The money has already been received and given to the finance department. She received three quotes for the project; Cleveland Commercial Roofers will complete the work. It was not easy to find roofers to complete this type of repair. She asked Mr. Sponseller if a motion from Council is needed as the city is not spending its own money for this project. Mr. Sponseller stated that it would depend on the amount of funds. Ms. Jones indicated that the amount would be under \$25,000, Mr. Sponseller replied that it would not require a motion.

Ms. Duncan moved to **allow** the Mayor to enter into an agreement with Cleveland Commercial Roofing for an amount not to exceed \$25,000 for the repair of the Covered Bridge roof; Mr. Sculac **seconded**.

Ms. Jones indicated that she received three quotes and Cleveland Commercial Roofing was the lowest. Poll: 7 ayes; 0 nays. **Motion carried**.

Joe Borczuch, Service Director

Mr. Borczuch stated that he distributed information regarding the issue with Mr. Sasala's property. He stated that he and Mr. Kopchak have been working to resolve this issue for quite some time. He stated that Mr. Sasala received a variance in 2009 for a landscape buffer with a no mow zone inside the buffer. Needless to say this particular site was either let go or planted within seven feet of the roadway, which was not what was granted in the variance. The variance stated that the plantings are to be within 16 feet back from the edge of the right-of-way and in this circumstance ends up being 46 feet back from the center line of the roadway. Currently, Mr. Sasala is 38 feet which is what the

service department required back in August and was not completed until October. The mishap with the previous administration and a misunderstanding of the homeowner he agreed to permit the 38 feet but recommended mowing in the buffer zone due to the fact that saplings were planted, in order for proper growth mowing will need to take place. Due to a neighborly dispute and what he deems spite Mr. Sasala has added bicycles to his property line. He has recommended that these bicycles be removed. He would like to know if Council agrees to the 38 feet provided Mr. Sasala mows within the buffer zone until the saplings grow and the removal of the bicycles or should the 46 feet be required as well as the removal of bicycles.

Mr. Linn stated that with the history of the property owner he would recommend that the property owner not receive an inch because historically he has turned an inch into a mile. This type of individual, no matter what part of the codified ordinances, will be construed to be what he wants it to be. The BZA was perfectly clear, Mr. Sculac made the motion at the BZA meeting, there was a healthy discussion and the motion and approval are what they are. He has reviewed the pictures of the bicycles and as far as he can tell, and Mr. Kopchak will agree, they would fall under the classification of an illegal fence. The front yard fence code is very stringent of height and design and in his opinion, it is an illegal fence and should be taken down. The property owner needs to abide by the maintenance issue that was spelled out in the variance that was granted regarding the mowing. He stated that everyone is open to interpretation, even his neighbor, and believes it is important that the city remain to what was granted with the variance and believes it is the only way to be steadfast in this issue.

Mayor Donegan stated that Mr. Sasala was at City Hall late last week and he handed her a letter that she has not had a chance to open or read because of the pile that she has. We do not want to set precedent but she would like to sit down with everyone and have a conversation. Mr. Bower indicated that the property is grossly overgrown and has been like that for six or seven years. Mr. Linn's biggest point is that Mr. Sasala would like him to present a new landscape plan to the boards and commissions in order to request approval. He stated that he has indicated to Mr. Sasala that he would refer to Mr. Kopchak and Mr. Borczuch. He also informed Mr. Sasala that he would be happy to present a new landscape plan once he is in compliance with the codified ordinances and his variance, to this point, he does not believe he is. Mr. Borczuch indicated he was not. Mr. Linn stated that he has requested that Mr. Sasala get his property into compliance and in good faith he would present the landscape plan to the board and request an amendment to the variance.

Mr. Sponseller indicated that this should be an administrative and enforcement discussion prior to bringing the issue before Council and would probably require a petition from the applicant to request a modification of the variance before the appropriate board, in this case the new Planning and Zoning Commission. At this point, it is premature for Council to consider this issue and should be dealt with administratively.

Mr. Miller thanked Mr. Borczuch for looking into this issue. He understands that it was a lot of research on issues that have happened before his time in order to get him up to speed. He has always advocated that the city enforce everything appropriately.

Mr. Bower asked when this issue would be resolved as this has been going on for the last six or seven years and Mr. Sasala has had several visits by the building department and given deadlines but he has not lifted a finger to do anything. The only thing that has been done is that the right-of-way was

cleared but everything behind that relatively looks like those pictures. Mr. Borczuch stated that the building department will issue the notice to clean up the property this week.

Mr. Borczuch indicated that he has a requisition for the purchase of salt in order to make sure there is enough to get through the rest of the year.

Ms. Duncan moved to **approve** a requisition to Cargill Salt for the purchase of 250 ton of rock salt for the 2016-2017 season in an amount not to exceed \$13,012.50; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Borczuch stated that the department is in the Flair Development picking up leaves. The remaining areas include Raintree, Sprague to Plum Creek, the Plum Creek development, Tyndall Falls and all the way up Columbia Road. Mayor Donegan indicated that the city sent out a Ready Notify informing the residents and we did get Allied Waste to make one more pick up for brown bags. Mr. Borczuch indicated that he is down to two trucks and one leaf vac, the remaining two trucks are salting. Mayor Donegan stated that during the spring she would like to discuss leaf pick up, costs and equipment. She thanked Mr. Borczuch for all of his work this year.

Mayor Donegan thanked Mr. Kopchak for all of his hard work as well and indicated that she receives good feedback on his performance. Mr. Kopchak thanked Council for everything they have done for him along with the City. He truly enjoys the job that he is doing, he doesn't make a lot of friends, but we resolve problems that need to be resolved. Mayor Donegan stated that Mr. Kopchak has a definite positive way with people and when someone states that he is mean she knows that is not Mr. Kopchak. He provides consistency and knowing his demeanor and how he can fill in for Ms. Stone who is dealing with a lot presently. Mr. Kopchak stated that it is a pleasure to work along-side with the Service Director.

Steve Presley, Finance Director

Mr. Presley stated that he requires a very brief Council meeting on December 27th in order to have the final appropriations approved by year end. He is not able to wait until after December 31st to complete final appropriations for 2016, legally they need to be adopted by December 31st. He asked if the meeting could be scheduled earlier than 7:30 p.m. Mayor Donegan indicated that Mr. Miller will not be in attendance at that meeting, neither will the director's.

Mr. Sculac moved to **change** the time of the regular scheduled Council meeting for December 27, 2016 from 7:30 p.m. to December 27, 2016 at 6:00 p.m.; Ms. Garrity **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mike DeSan, Asst. Finance Director – No Report

Councilman Kyle Miller, Ward IV

Mr. Miller thanked the administration for putting together the volunteer board and commission luncheon, he believes everyone had a good time. He appreciated meeting those individuals who graciously volunteer their time for the city.

Councilman Jim Haviland, Council-at-Large – No Report

Mayor Donegan thanked Mr. Haviland for all his hard work on the JEDD Board, as well as his confidence building and collaboration with Trustee Fischbach.

Councilman Bob Sculac, Ward I

Mr. Sculac moved to **acknowledge** receipt of the monthly Mayor's Court report dated 12/07/2016; Ms. Duncan **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash position dated 11/30/2016 in the amount of \$1,660,576.38; Ms. Duncan **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that he would also like to thank everyone that worked on the volunteer luncheon. He had the opportunity to speak with a lot of the volunteers and receive feedback from them. He also wish everyone a Happy Holiday. Mayor Donegan stated that Ms. Garrity and Ms. Mancini helped set up and Ms. Duncan made the arrangements. She stated that Ms. Garrity has become the event coordinator. She stated that Ms. McCafferty did a great job of making and handing out the snowman favors.

Councilwoman Terry Duncan, Ward III – No Report

Councilman Paul Stibich, Ward II – No Report

Councilwoman Linda Garrity, Council Pro-Tempore

Ms. Garrity thanked Ms. Duncan for making the centerpieces. She indicated that she will also send a thank you note to Ms. Donna McCafferty for making the snowmen. She stated that Ms. McCafferty is also making a snowman for each employee to give out during the employee Christmas party.

Ms. Garrity stated that she is a trustee for Chestnut Grove Cemetery which is a joint cemetery and received the following request from the Olmsted Township Trustees.

Ms. Garrity moved to **acknowledge**, ratify, and consent that Joe Borczuch who serves as the city Service Director is being engaged by the Chestnut Grove Cemetery board an after hours contract to work for the cemetery as an independent contractor on special projects for the cemetery, and, that Council authorizes the submission to the cemetery board of written confirmation of Council's consent to the same, so long as such work does not conflict with any of his duties as service director for the city; Ms. Duncan **seconded**.

Mayor Donegan stated that this acknowledgement is to remove any appearance of a conflict of interest or working for the cemetery while being paid by the city. This will make certain the city is open and transparent. Poll: 6 ayes; 0 nays; 1 abstain (Stibich). **Motion carried**.

Ms. Garrity stated that in this situation she is unclear as to what an abstention vote means. She has to report back to the board as a whole and they had asked for 100% of Council's backing on this issue. Mr. Sponseller stated that it is a non-vote meaning it is as though the vote taken with that person abstaining is not participating. He believes the vote speaks for itself as there is clearly a majority that acknowledges and consents. If the person abstaining chooses to give a reason they may but it does not affect the outcome of the vote. Mayor Donegan asked Mr. Stibich if he would like to give a reason for the abstention, Mr. Stibich replied no.

Councilman Jay Linn, Council President

Mr. Linn thanked the Mayor for providing the boards and commission members a wonderful dinner and thanked everyone that helped. He believes it was a success, and appreciates the Mayor showing her appreciation in a kindly manner. Mayor Donegan indicated that it was the least she could do.

Gregory M. Sponseller, Law Director

Mr. Sponseller stated that he would like to clarify a couple of issues for the record. This is the first meeting since the passage of the Charter amendments with respect to appointments of some employees or other officials. You will note the difference between how members appointed to boards and commissions, which requires Council's review, ratification and approval, and the appointments of the new fire chief and part time fire fighter that does not require Council's review, ratification and approval as it simply requires the appointment by the Mayor.

Secondly, a meeting was held with many of the residents on East River last week and was a good meeting overall with a lot of participation. Hopefully the city will hear from some additional residents. We will proceed in a positive and aggressive manner that may be necessary to get this problem remedied in 2017.

He wished everyone Happy Holidays.

Mayor Donegan thanked him for all his work and Council as well. She has relied on Council heavily and everyone has stepped up and she appreciates it on many different levels.

Old 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" **Third Reading (referred to Planning Commission 09/27/2016)**

Remained on table

Mayor Donegan indicated that the public hearing for Planning Commission will take place on Wednesday, December 14th.

Resolution 53-2016 (AMENDED)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A AGREEMENTS WITH AUTHORIZED HEALTH CARE INSURANCE PROVIDER(S) IN ORDER TO IMPLEMENT HEALTHCARE INSURANCE COVERAGE FOR ELIGIBLE EMPLOYEES OF THE CITY, AND DECLARING AN EMERGENCY **Tabled on Third Reading (11/07/2016)**

Mr. Linn moved to **remove** from table; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Mr. Linn seconded. Mr. Haviland asked if he should abstain from

voting due to the fact that this involves health coverage. Mayor Donegan indicated that an abstention is either you do not have enough information to vote or you feel there is a conflict. As long as Mr. Haviland does not believe there is a conflict he may vote. Mr. Sponseller stated that the legislation authorizes the Mayor to enter into a contract consistent with any specific entity to provide coverage, but, does not specify a particular vendor and is based on the presentation by the Fedeli Group. He indicated that Mr. Haviland does not have a conflict. Mayor Donegan stated that the increase is 13.5%, and the City will offer both plans. She stated that with the 15% increase budgeted she feels that the 13.5% increase is acceptable. Poll: 7 ayes; 0 nays. **Motion carried.**

Ordinance 54-2016

AN ORDINANCE AMENDING CHAPTER 1218, TREE PRESERVATION AND MANAGEMENT; AND SECTION 1232.06(C)(5) OF THE CITY'S PLANNING AND ZONING CODE TO PROVIDE FOR LANDSCAPING AND TREE PRESERVATION AND REPLACEMENT REQUIREMENTS IN THE CITY FOR CERTAIN DEVELOPMENT OF LANDS IN EXCESS OF TWO ACRES **Tabled on Third Reading (11/22/16)** (referred to Planning Commission and Shade Tree Commission on 10/24/16)

Remained on table.

Mayor Donegan indicated that a work session was held and a lot of information was received not only from Shade Tree Commission but also from Mr. Peters who is the city arborist.

Ordinance 59-2016

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OLMSTED FALLS, OHIO, FOR THE PERIOD COMMENCING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 AND DECLARING AN EMERGENCY **Third Reading**

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

Ordinance 61-2016

AN ORDINANCE CONSENTING TO A PROJECT AND AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATION AGREEMENT WITH CUYAHOGA COUNTY FOR THE REPLACEMENT OF THE LINDBERGH BOULEVARD CULVERT C-00.93, AND DECLARING AN EMERGENCY **Third Reading**

Ms. Duncan moved to **adopt**; Mr. Linn **seconded**. Mayor Donegan indicated that this is a 2018 capital improvement project. Poll: 7 ayes; 0 nays. **Motion carried.**

Resolution 63-2016

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SENIOR TRANSPORTATION CONNECTION FOR THE PROVISION OF SENIOR TRANSPORTATION SERVICES AND DECLARING AN EMERGENCY **Third Reading**

Ms. Duncan moved to **adopt**; Ms. Garrity **seconded**. Mr. Presley stated that he spoke with the principal of the transportation company. He stated that under the fuel recovery portion of the contract anything \$2.51 to \$2.76 the city pays the entire 25 cents above the cost. He does not feel this is a reasonable expectation because if the price is exactly \$2.51 rather than paying the penny over for fuel

the city pays the entire quarter for the base rate. He had another lengthy conversation today and they are not willing to budge. He even offered paying 15 cents up to \$2.76. Unfortunately, while researching and googling other senior transportation companies in the area that could offer the same services, there is nothing else out there so we are locked at this point. Mr. Haviland stated that he knows RTA paratransit has to take people wherever they want to go so if there is a grocery store at Great Northern or they can go all the way out to Elyria. He asked if Senior Transportation Connection has the ability to limit where they take individuals which would thereby cut down on mileage. Mr. Presley indicated that the costs are per trip and there is limit far distance. Mayor Donegan indicated that in 2014 the city set up different co-pays; for example, if you shop locally the price is "x" but if you go to Berea there is a higher co-pay. The goal was to encourage people to shop local but it does not seem to necessarily have an effect but it has eliminated some from going to Lakewood for haircuts. She is not happy that they are unwilling to budge and seems as if they have this cookie cutter to all their agreements. Poll: 7 ayes; 0 nays. **Motion carried.**

Ordinance 65-2016

AN ORDINANCE AUTHORIZING, RATIFYING AND AFFIRMING THE MAYOR TO ENTER INTO ANY AND ALL AMENDMENTS TO, AND EXTENDING THE TERM OF AGREEMENTS WITH THE CITY OF STRONGSVILLE FOR THE PROVISION OF REGIONAL DISPATCH SERVICES BY STRONGSVILLE FOR THE CITY OF OLMSTED FALLS, ALL TO PROVIDE FOR EMERGENCY DISPATCH SERVICES IN THE SOUTHWEST AREAS, REPEALING ALL LEGISLATION INCONSISTENT HEREWITH, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY **Third Reading**

Mr. Stibich moved to **adopt**; Mr. Linn **seconded**. Mayor Donegan indicated that she was unsuccessful in removing the 1% increase. She had some very serious conversations with Mayor Perciak, Director Goss, the Director of the center, Jeff Brannick, and David Sims the IT director and indicated that she is not happy with the integrity of the partnership. We are the only city, besides Strongsville, who is supplementing North Royalton and Berea who pay \$1.3 million. We are the only city paying for our utilization with a couple thousand extra to spare. Again, they felt that the representation at the board meetings, which she did not attend and the former two chief's did not represent the city or bring back to the administration exactly what was going on and what was agreed to. They appreciated her candor. The contract is for one year as she could not get a multi-year contract. Mr. Linn indicated that he does not consider 1% a failure. Mayor Donegan stated that she would agree, but it is hard to be an organization who is trying to get our foot into economic development and movement and be the only one besides the City of Strongsville, where their rainy day fund is our budget, to be the only one paying a fair share. Again, it is not her business if Strongsville wants to supplement Berea and North Royalton. The greater good is that we collaborate. We have great service and accountability which we would have not been able to provide, but, the integrity of a partnership is principal. Poll: 7 ayes; 0 nays. **Motion carried.**

Mayor Donegan asked Council to adopt 68-2016 and 69-2016.

New Business

Ordinance 68-2016

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 07-2016 WHICH ESTABLISHED A COMPREHENSIVE GRID SCHEDULE OF NON-UNION POSITIONS OF EMPLOYMENT AND RANGES OF PAY FOR SUCH POSITIONS, BY SUPPLEMENTING THE GRID SCHEDULE WITH TWO ADDITIONAL FULL TIME POSITIONS OF PROPERTY MAINTENANCE INSPECTOR AND SECRETARY **First Reading**

Mayor Donegan indicated that this legislation is for a secretary for the police department and Mr. Kopchak.

Mr. Sculac moved to **suspend**; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 1 nay (Stibich). **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 1 nay (Stibich). **Motion carried**. Mr. Sculac moved to **adopt**; Mr. Linn **seconded**. Poll: 6 ayes; 1 nay (Stibich). **Motion carried**.

Mayor Donegan indicated that we do not like deviating from the three reading rule but have in past years and she does appreciate Council adopting in order to allow the city to move forward.

Ordinance 69-2016

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A BRIDGE IMPROVEMENT AGREEMENT WITH THE OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION (“OTIC”) FOR CERTAIN IMPROVEMENTS TO THE STATE ROUTE 252 BRIDGE (COLUMBIA ROAD) OVER THE OHIO TURNPIKE, APPROPRIATING FUNDS THEREFOR AND DECLARING AN EMERGENCY **First Reading**

Mr. Stibich moved to **suspend**; Ms. Duncan **seconded**. Mayor Donegan indicated that the only portion of the project the city will pay for is the aesthetic improvements on the inside of the bridge at a cost of \$21,238 which will come from the Capital fund in 2017 and has been budgeted. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **waive** the reading in its entirety; Ms. Duncan **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Ms. Duncan **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Garrity asked when the project would begin. Mayor Donegan replied the day after school lets out June of 2017 and will wrap up in August. She stated that Ms. Jones will communicate with the businesses. She is optimistic and will continue to encourage the county to accelerate the project so we do not have two bridges out.

Ordinance 70-2016

AN ORDINANCE ADOPTING CHAPTER 1469 OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS TO ESTABLISH EROSION AND SEDIMENT CONTROL AND DECLARING AN EMERGENCY **First Reading**

Mr. Linn moved to **discuss**; Mr. Miller **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Linn stated that the city already has a sediment and erosion code and asked what the city was doing. Mayor Donegan indicated that this is an update in order to become compliant with the new laws. She stated that the city engineer, Mr. Sheehy, as a part of what he does for the city has been working on this and supplied this information to the city.

Miscellaneous New Business

Mr. Sculac stated that if he recalls correctly Mr. Sheehy's contract with the City expires at the end of this year and believes this will need to be renewed.

Mr. Miller would ask to be excused from the next Council meeting. Mayor Donegan replied that he would be.

Mayor Donegan wished everyone a Merry Christmas.

Such other business that may come before Council

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

The meeting adjourned at 9:55 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council