

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, January 10, 2017, 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 7:30 p.m. Roll call was conducted. Councilmen Jay Linn (**arrived at 7:37 p.m.**), 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, Chad Gluss, Fire Chief, and Joe Borczuch, Service Director Audience: 1.

Approval of Minutes

Mr. Stibich moved to **approve** the minutes from the Regular Council Meeting of December 27, 2016; Ms. Duncan **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Miller). **Motion carried.**

Consideration of Amendment to the Agenda - None

Mayor's Report and Appointments

Mayor Donegan indicated that she requested Mr. John Friend from the Fedeli Group to return to Council in order to explain the change in our health insurance eligibility, which led to a slight increase in the city's premium.

Mr. Friend stated that he has distributed information to Council showing a pre-sale consensus and a post-sale consensus. He sent this information to the Mayor, Finance Director and Asst. Finance Director indicating that after all employees were enrolled the list of individuals which was used to base the city's rates had changed. He stated that under the Affordable Care Act we do not underwrite based on health conditions for this size of group, rather we use a demographic model and process called "Modified Community Rating," which means the rates are driven by the demographics of the group. As you can see, although the average age of the group did not change, the male/female gender mix changed slightly, we also added a couple of individuals that were older than the average age. United Healthcare then re-rated the group and increased the rates for everyone which totals \$500.00. He stated that the pre-sale consensus included 27 individuals but the post-sale consensus consists of 33 individuals. He stated that the Mayor believes this was important enough to bring back to Council since this was a big decision.

Mayor Donegan stated that moving forward the finance department will have a more fully established list of individuals who are insured. Mr. Friend indicated that a couple of individual added were new city hires and changes that were not foreseen. Mayor Donegan indicated that the increase equals \$500.00 per month and \$6,000 per year. Mr. Friend indicated that this equals to approximately a 1% change.

Mr. Sculac inquired as to what was meant by the code "wv"? Mr. Friend indicated that is waive meaning that the employee did not utilize coverage.

Mayor Donegan requested a motion from Council to confirm the new dollar amounts.

Ms. Garrity moved to **confirm** the increase in health care premiums in the amount of \$500.00 per month and \$6,000 per year; Mr. Miller **seconded**.

Mayor Donegan indicated that this will be an on-going exercise with the Fedeli Group. Poll: 6 ayes; 0 nays. **Motion carried.**

City Architect – Mayor Donegan indicated that she has had lengthy conversations with a number of Council members over the last several years. This issue is for an architect at the ABR level. Mr. VanPatton has done an outstanding job over the years but he continues to bill the city for parking and miscellaneous expenses that the city generally does not pay. We have attempted to negotiate those expenses out of his contract but have been unsuccessful. She stated that due to the fact that a lot will be happening in the downtown area, particularly with the NOACA/TLCI grant, etc., she believed this would be a good time to consider changes architects. She requested a proposal from City Architect, which has been distributed. She has completed some research and Mr. VanPatton's hourly charge was \$120.00/per hour; \$60.00/per hour for administrative services as well as parking and mileage expenses. Historically, in 2012 the city spent over \$4,000; in 2013 approximately \$2,100; in 2014 approximately \$5,100; in 2015 approximately \$3,400; and in 2016 approximately \$1,600 for a total expense in the last five years of \$16,400. She asked Mr. Pesta, who will be working on the NOACA grant with the city, for a proposal. That proposal includes a three tiered approach with a blended rate of \$100.00/per hour. She estimated a cost of \$3,000 to \$4,000, prior to receiving information from the finance department. The City will remain cognizant of these costs and will be meeting regarding when an architect should be present at ABR meetings. She would like to request that Council move the legislation forward in order to hire an architect. She would suggest a not to exceed \$4,000 but, she would have no issues if Council would like to suggest a different amount. She has spoken with Ms. Tomasch, who is the Chair of ABR and a meeting has been scheduled to discuss this change. She stated that City Architect has historic preservation as one of their main disciplines.

Cost Comparison of Engineering – Mayor Donegan stated that she likes to do data analysis to determine how much has been paid and how the services are working out. She believes that Mr. Sponseller had indicated that there is no need to move on Chagrin Valley Engineering as their contract does not expire until the end of 2017. Mr. Sculac indicated that he believes they only received a one-year contract. Mr. Sponseller indicated that he will check into this issue again. Mayor Donegan indicated that this needs to be reviewed and a memo sent to Mr. Sculac so that he is aware.

Mayor Donegan stated that over the course of 10 years the city has paid Benza a little over a million dollars. This does not take into account any deposits or fees. She stated that in 2014 the city paid Chagrin Valley Engineering \$66,000; in 2015 \$89,000; and in 2016 with the Phase V project \$173,000. She believes that the city is doing a good job of putting a cap on its vendors. She stated an interesting fact with Mr. Sheehy is all the grants he has helped the city secure; which include \$1 million for Turnpike Mitigation, at no charge to the city; in January of 2014; \$25,000 to \$50,000 on the EPA storm water by the Dan Waugh Trail; \$4.6 million in Phase V; \$600,000 for the Columbia/Cook sanitary sewer project, which we received today; for a total of \$6.5 million so far on Phase V; and \$750,000 for the Mapleway water lines; so the cost benefits is significant.

Mr. Linn stated that Mr. Sheehy has recovered a tremendous amount of funds for the first Phase V project for engineering costs. He also took a planned sewer project from a pipe dream into a reality

which has a tremendous amount of worth in itself. He stated that he is looking forward to the Phase V project coming to fruition and completing the sewerage of the entire community. He has the utmost confidence in Mr. Sheehy and Chagrin Valley Engineering. Mayor Donegan stated that the \$600,000 is from a Northeast Regional Sewer District grant that Mr. Sheehy applied for. Unfortunately, this grant was not available for flooding issues, which remain in the city, and we are still seeking funding.

Ethics Code – Mayor Donegan indicated that the city has an outdated Ethics Code. This is a chapter within the Codified Ordinances that we will strengthen and has been placed on Mr. Sponseller's to-do list.

Juniper Update – Mayor Donegan indicated that the mini-master plan is almost complete on the city's three parcels. The city should receive this information at the end of the month.

Turnpike Bridge – Mayor Donegan stated that Mr. Borczuch will cover this issue in his report.

Miscellaneous – Mayor Donegan indicated that a meeting will be held on January 23rd regarding the Bagley Road Bridge in order to keep the contractor on task and attempt to accelerate if possible. The best we can garner is that due to the nice weather more work is being completed.

Mayor Donegan stated that she will meet with Senator Matt Dolan and she has asked that the Clerk send out that date. If Council needs the meeting changed to the evening, she will attempt that change.

She stated that a strategic planning meeting regarding Olmsted Recreation, the Jenkins Place, and the Park and Recreation Board, which is long overdue. She has asked Ms. Duncan to be part of this meeting as well as Ms. Garrity. She also asked Mr. Sculac to be a part of this meeting from an organizational perspective. This meeting will include discussions regarding Olmsted Recreation and its direction, relationship to the Park and Recreation Board, and the Jenkins Place.

She stated that a young man approached her approximately two months wanting to host a soup and sandwich luncheon for seniors 55 and older. This will take place on January 14th from 12:00 (noon) until 3:00 p.m. and if anyone would be available to help please stop by.

She stated that yesterday was National Law Enforcement Appreciation Day and wanted to make Council aware. There is some information on the city's Facebook page. She stated that 140 officers were killed in the line of duty in 2016, which is 140 too many.

She stated that a copy of the annual Architectural Board of Review activity for 2016 was distributed to Council.

She would like Council to be aware that the administration is continuing to pursue the YMCA and we are currently awaiting feedback.

She stated that the ABR design guidelines were revised through Cleveland Restoration and will be reviewing those suggestions. She stated that Council members are always welcome to attend any meetings she schedules. She requested that Mr. Sculac attend this meeting as well.

She wanted Council to be aware that during the last three years the city has received close to \$15 million dollars in County funding and she is pleased with that figure. Hats off to the entire team whether it is herself, Bess, Don Sheehy, Joe, or Chad.

She stated that the city received a POW flag from Mr. Wallace, the post commander of the VFW for the cemetery. The city also received a flag which will be placed at the Village Green.

She stated that Ms. Vrettos is working on railroad notification signs.

Communications from Residents - None

Approval of Bills:

Mr. Stibich moved to **approve** Pay Ordinance 2017-01; Mr. Sculac **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Officials Reports:

Mayor Donegan stated that the strategic planning meeting with regard to Olmsted Recreation needs to include how the city wants recreation but also how it will interact and interface with administration and more importantly service. Also, the charter regarding the Park and Recreation Board.

She stated that she has often believed there has been a disconnect with the boards and commissions report to the Mayor and this will be a focus for her this year. She does not believe it is a purposeful disconnect. She will begin paying closer attention to that. Mr. Sculac stated that the city needs to also discuss the Park and Recreation levy and determine if that should be restructured to cover costs of programming rather than just park maintenance.

Joe Borczuch, Service Director

Mr. Borczuch asked to approve a requisition for a road salt purchase.

Mr. Linn move to **approve** a requisition to Cargill Salt for 500 tons of road salt in an amount not to exceed \$25,025.00; Mr. Stibich **seconded**. Mr. Sculac inquired if this was the last year for the contract. Mr. Borczuch indicated that he believes there is one more option year but will verify that information. Mr. Linn stated that with the current contract how much does the city pay per ton versus other cities. Mr. Borczuch indicated those costs vary due to other cities purchasing more tonnage but he has heard that the city is saving \$8.00 to \$10.00 per ton. He stated that having a longer contract has helped stabilize his salt budget. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Borczuch reported that the 4th quarter of 2016 for Safebuilt include 119 permits that were issued, 214 inspections completed, with a total revenue of slightly over \$32,000. The city's revenue is \$16,000. He stated that the 4th quarter is usually slower for the building department. A full annual list will be completed and he hopes to have that distributed at the next Council meeting.

Mr. Borczuch stated that he attended a pre-construction meeting for the Turnpike bridge and everything is moving as forward as scheduled. He stated that Suburban Maintenance and Construction was awarded the bid at \$1.17 million. They will close Columbia Road immediately after the last day of school which is May 26, 2017. He stated that work will begin mid-April on the

lower level portion of the bridge on the turnpike. He stated that the estimated completion date is before school begins, depending on weather.

Mr. Linn asked for a status on the Bagley Road bridge. Mr. Borczuch indicated that a status meeting has been scheduled for January 23rd in order to determine a status. Mayor Donegan stated that the meeting will take place at 9:00 a.m.

Mr. Borczuch indicated that he relayed the information he received from the turnpike to the school board and bus garage. Signs will be posted two weeks prior to Columbia Road closing with detour routes indicated.

Chad Gluss, Fire Chief

Chief Gluss indicated that the transition has been smooth. As of today, all full time firefighters have spent two hours at the Strongsville Dispatch Center. Mayor Donegan stated that Chief Gluss is doing well and meets with Asst. Safety Director Trainee regularly.

Mike DeSan, Asst. Finance Director

Mr. DeSan indicated that he is in the process of closing 2016 and once closed he will distribute the year-to-date reports, which will be available prior to the finance committee meeting. The W-2's will be distributed on January 18th.

Mayor Donegan indicated that she will be requesting input from Council regarding the Ohio Checkbook prior to this information going live.

Councilman Kyle Miller, Ward IV – No Report

Mayor Donegan congratulated Councilman Miller and Mrs. Miller due to the fact that they will be having a baby boy sometime in June.

Councilman Jim Haviland, Council-at-Large

Mr. Haviland indicated that he would like to organize a meeting with the JEDD Chairman Fran Migliorino in order to discuss the next steps for the new year. He would like to schedule this meeting prior to the JEDD board's first meeting. Mayor Donegan stated that since she is at the administration building just provide her with a date and time and she will make sure to be available.

Councilman Bob Sculac, Ward I

Mr. Sculac asked if the finance department will be ready for a finance committee meeting in January. Mr. DeSan replied yes. Mr. Sculac reminded Council that a finance committee meeting will be held on Tuesday, January 24, 2017 beginning at 6:45 p.m. in order to review 2016.

He stated that he is also a member of the Cuyahoga County Fair Board and indicated that the Middleburg Heights and Berea Fire Departments utilize the grounds to complete operations, and if Fire Chief Gluss is interested for the same use, please contact him at the fairgrounds.

Mayor Donegan indicated that Chief Gluss would like to donate some uniforms that are no longer safe for use according to fire standards. She stated that Chief Gluss is documenting all the uniforms and asked if Council should approve the donation. Mr. Sponseller stated that he does not believe a motion is necessary, but Council should be informed. Chief Gluss stated that in the fire service there

is something called NFPA and is the rules and regulations the department works with. The NFPA has determined a standard that indicates every aspect of turn-out gear is only good for ten years and after those ten years it must be taken out of service. In 2003 the department received a FEMA grant and the department is in the process of replacing gear. We currently have approximately 14 sets that are older than ten years. He contacted Tri-C and other agencies that have indicated they cannot use the older gear because they are not NFPA compliant. He did speak with the Lorain County JVS who indicated that they have a junior/senior program and the juniors do not participate in live fires so they would like to utilize the gear in order to prepare the juniors. Mr. Sponseller asked for the value of the gear that is to be donated. Chief Gluss indicated that his understanding is that the gear has no value and has been advised to through the gear into the garbage. Mr. Sponseller would recommend that the donation be brought forward to Council for a motion to donate.

Mr. Miller moved to **approve** the donation of the obsolete turn-out gear from the fire department that is no longer needed for municipal purposes having no value to the Lorain County Joint Vocational School another public entity at no charge; Mr. Linn **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated that she is unsure how many Park and Recreation Board members would be able to attend a day time strategic planning meeting. Mayor Donegan indicated that this is not for the members this will be a discussion between administration and Council in order to obtain a perspective prior to presenting the information to the Park and Recreation Board.

Ms. Duncan stated that after much discussion at the last Park and Recreation Board meeting the board is concerned with the condition of the Village Green Gazebo and would request be taken of the Gazebo in order to determine if it needs more maintenance other than just re-painting or if the structure needs to be replaced. The board would also like to thank Ms. Reichle for the coffee and hot chocolate donation at the Christmas Tree lighting.

Councilman Paul Stibich, Ward II – No Report

Councilwoman Linda Garrity, Council Pro-Tempore

Ms. Garrity stated that next week Chestnut Grove Cemetery will complete its survey of its property which will include new survey pins and a more accurate way to determine the “real estate.” This survey will be completed in the old and new cemetery.

She stated that at the last Southwest General meeting the budget was presented for 2017 and the hospital feels that they are doing a good job positioning themselves in the community in ways that they have had to “re-invent” health care or to capitalize on cost savings in order to be more efficient. There were discussions regarding magnet status for the nursing department which would be a huge goal. They also discussed competition and how the trained health care workers are in demand and Southwest has had to compete with Metro, Cleveland Clinic and University.

Mayor Donegan stated that as former chairman of the cemetery board she does not believe that everyone realizes the amount of work that Ms. Garrity has been doing as a representative of this community for the cemetery or the hours that she has volunteered.

Councilman Jay Linn, Council President

Mr. Linn stated that it has been his extreme pleasure to work with all members of Council as well as the service, fire, police and finance departments. He only hopes that the city continues at the speed we have moved over the last three years to bring this city to the top of the post. We have made tremendous advances in the last year or two and hopes that continues. He thanked Council for all of their hard work.

Mayor Donegan believes this is a great example of everyone moving in the same direction. She has slowed down between Christmas and New Year's and being ill for the last couple of days she felt as if everything was being thrown at her at warp speed.

Gregory M. Sponseller, Law Director

Mr. Sponseller requested that a list of the donated turn-out gear be given to the finance department in order to document the city's assets.

He stated that Ordinance 49-2016 is a rezoning request and is currently on third reading. The Planning Commission had a meeting scheduled for January 11th but do not have a quorum and therefore will need to re-schedule. Also, 54-2016 relates to the proposed tree ordinance. Both of these ordinances were referred to the Planning Commission for their review and recommendation. He would request that Council approve a 30-day extension to the Commission in order to give them time to submit their recommendation.

Mr. Stibich moved to **approve** a 30-day extension of time to the Planning & Zoning Commission to submit their recommendations on Ordinances 49-2016 and 54-2016; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Sponseller indicated that with respect to these ordinances Council is required to hold its own public hearing and the Charter and Code require that notices be sent to the public. He would therefore, ask Council to set this public hearing for Tuesday, February 28th which will allow more than 30 days to get publication notice and resident notices sent out. Mayor Donegan suggested 6:30 p.m. Mr. Sculac stated that his concern is that the last public hearing held on these two issues lasted approximately three hours and he would hate to schedule this issue for a one hour session prior to a regular Council meeting and not have enough time for public comments. Mr. Sponseller suggested Monday, February 27th beginning at 7:00 p.m.

Mr. Linn moved to **schedule** a public hearing for Ordinances 49-2016 and 54-2016 for Monday, February 27, 2017 beginning at 7:00 p.m.; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Sponseller stated that Ordinance 70-2016 is the storm water amendment to the city's existing code chapter 1469 which was prepared by Mr. Sheehy. He stated that candidly the initial template that was used was not our city's template but rather another city's. Mr. Sheehy put together a new amendment which we received earlier today and was emailed to Council due to the length. There were not a lot of substantive changes and the original is on file with the Clerk of Council. This will also have to be referred to the Planning and Zoning Commission for review and recommendation, no public hearing is required. He would ask Council to consider amending Exhibit "A" by substitution as well as refer to the Planning and Zoning Commission for their report and recommendation and table.

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

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.

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 **Third Reading**

Mr. Sculac moved to **amend** Exhibit “A” by substitution; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **table and refer** to Planning Commission for review and recommendation; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

New Business

Resolution 01-2017

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE PHASE V(a) (MAPLEWAY DRIVE) SANITARY SEWER PROJECT TO FABRIZI TRUCKING AND PAVING CO., INC. AS LOWEST AND BEST BIDDER, AND DECLARING AN EMERGENCY **First Reading**

Mr. Linn moved to **suspend**; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Linn moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Ms. Garrity **seconded**. Mayor Donegan indicated that this project will begin this year and will be completed by spring. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that the lowest and best bidder was Fabrizi Trucking at \$76,475.00, the bids came in at \$78,000; \$106,000 and \$113,000 respectively. The engineer's estimate was \$85,000.

Mr. Sculac would like to know if Mr. Borczuch could speculate why there is such a large variance in the bids. Mr. Borczuch indicated that it is more than likely the size of the company's and also the work load each company has. He stated that some company's do not have the capability to complete work during the winter months.

Resolution 02-2017

A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN CITY ARCHITECT, FOR NECESSARY ARCHITECTURAL REVIEW AND RELATED SERVICES FOR THE CITY AND ESTABLISHING RATES OF COMPENSATION FOR SUCH SERVICES **First Reading**

Mr. Linn moved to **suspend**; Mr. Haviland **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Haviland stated that he believes the firm's actual name is City Architecture and would recommend amending. Mr. Haviland moved to **amend** the legislation from City Architect to City Architecture; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Haviland moved to **amend** in Section 1 to include "not to exceed \$4,000 for 2017"; Mr. Miller **seconded**.

Ms. Duncan stated that she presumes the firm has an individual that is certified with the National Park Service in order to be able to maintain our National Historic District and assumes that was included in the original proposal request. Mayor Donegan indicated that the administration sent out a Request for Information in August and received no responses. She then approached City Architecture due to the fact that the administration previously performed work with them. She stated that the firm is historic preservation certified. If this is not the case after Council approves the resolution she will return to Council with that information as this information was never brought to her attention. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Linn moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried**. Mr. Haviland moved to **adopt**; Mr. Stibich **seconded**. Ms. Garrity stated that her understanding is that the current architect was unwilling to give up his parking and mileage expenses. Mayor Donegan indicated that was correct. Ms. Garrity asked if this was due to the fact that the architect is getting ready to retire. Mayor Donegan indicated that these expenses have been in his contract for quite some time. Ms. Garrity asked if Mr. Van Patton was given the option to eliminate those expenses. Mayor Donegan indicated that she has given him the option over the last several years. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that again she has spoken with Ms. Tomasch and there is a lot of projects in the works which will need consistency.

Miscellaneous New Business - None

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

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

The meeting adjourned at 8:30 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council