

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, January 24, 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 Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller were present. Jay Linn was excused.

Also in attendance: Gregory M. Sponseller, Law Director, Mike DeSan, Asst. Finance Director, Chad Gluss, Fire Chief, Joe Borczuch, Service Director, Rosann Jones, Manager Business & Community Services, Steve Presley, Finance Director, and William Traine, Asst. Safety Director. Audience: 11.

**Approval of Minutes**

Mr. Sculac moved to **approve** the minutes from the Regular Council Meeting of January 10, 2017; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

**Consideration of Amendment to the Agenda**

Mr. Miller **moved** to include the reading of a Proclamation for Mr. Chad Theriot; Mr. Haviland **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.**

**Mayor's Report and Appointments**

Mayor Donegan stated that special guests this evening include Chad Theriot, his brother Blake, Martha and Rob Theriot. She stated that Chad Theriot passed City Hall on a school bus and has seen people walking in the City that do not necessarily have a place to eat regularly. So, he came up with an idea. Once he arrived at home he indicated that the Mayor's car was at City Hall and asked if he could ride his bike there. Unfortunately, the Mayor left a little early and Mr. Theriot sat down on the curb. Asst. Safety Director Traine approached him and asked him if he needed help, to which Mr. Theriot replied "I'm waiting for the Mayor and she drives a black car and parks right there." Asst. Safety Director Traine informed him that the Mayor was gone for the day. Like anyone with a good idea, a heart of gold and the will to do good Mr. Theriot came back before the holidays. The day that he arrived she happened to be in the kitchen with Ms. Mancini and Mr. Theriot went into the reception area and starting ringing the bell and asked "doesn't anyone work here." After that, Ms. Vrettos came to the desk and asked if he needed help to which Mr. Theriot replied that he was here to talk to the Mayor about a soup kitchen. She stated that she spoke with Mr. Theriot who had a fabulous idea of putting together a "Soup for Seniors" and to his surprise she agreed to help him. The Theriot family is rooted in a faith and very service oriented. The Theriot Family began helping to seek donations of all sorts from Tony K's to Shaker's to Kiwanis, Angelina's and a host of others. We served approximately 125 to 150 people a couple of Saturday's ago and this event was an unbelievable success. Mr. Theriot also involved volunteers from the Olmsted Falls Intermediate School.

Mr. Theriot stated that his mom and dad developed a volunteer form and he walked down to the office to ask permission if he could distribute them to every classroom. The next morning a lot of students signed up to help. There was plenty of food from all the restaurants that donated. There were so

many people that came and it felt good to see what started one November day in 2016 to all in action on January 14, 2017. It was awesome.

Mayor Donegan stated that there is nothing like seeing a project start with an idea all the way to action and positively affecting other's lives. Mayor Donegan then presented a Proclamation and key to the City to Chad Theriot.

Update on Capital Projects 2017 – Mayor Donegan stated that there have been some interesting meetings with Schirmer Construction regarding the Bagley Road Bridge. She also met with the county and have asked them to make certain that the project is accelerated so that lanes are open before the closing of the turnpike bridge. She stated that she is hopeful that they will do what they can because clearly the city is not Olmsted Falls but rather the county. If Bagley Road is not open prior to the turnpike closing, which is Memorial Day weekend, she will inform Council.

She stated that there is a movement to put a pedestrian bridge from behind the service garage to Grand Pacific Junction. This will be a public/private partnership.

She stated that Council awarded Phase V(a) to start the project and expected to be completed by spring. The hiccup we received because of the U.S. Postal Service signing for certified mail we are correcting as well.

She stated that staging will begin on Bagley from the Township to North Ridgeville replacing sewer and water lines.

Mayor Donegan stated that she put the appointment of Catherine Elliott on the agenda as Mr. Sponseller indicated old habits. She wanted Council to be aware that Ms. Elliott will be hired and a motion is not necessarily needed. She will continue to make sure Council is informed on all hires. There is no specific number on how many part time officers will be hired but will attempt to determine that for Council. She stated that a part time fireman will also be hired within the next week.

She stated the City received a letter from Senator Matt Dolan and recognized us for being the top seven (7) safest and most peaceful places to live in the Cleveland area and that he is proud to represent us.

She stated that the meeting with Senator Dolan will need to be re-scheduled and the clerk will inform Council as to the new date. Please let the Clerk know if you do plan on attending to arrangements can be made.

### **Communications from Residents - None**

### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-02; Mr. Stibich **seconded**. Mr. Sculac indicated that he noticed an invoice from Mari Alice Zacharyasz that looks as if it was for October. He would like to know if the city is that far behind in paying bills or just not receiving them in a timely manner. Mr. Sponseller indicated that the invoice was not submitted to the city until late December, it is not the untimeliness of the city paying bills. Poll: 6 ayes; 0 nays. **Motion carried.**

## **Officials Reports:**

### **Rosann Jones, Manager Business & Community Services**

Ms. Jones stated that she received a letter from the Ohio History Fund because we were recipients of a grant. She distributed a flyer to Council in order to remind everyone that there is an opportunity during income tax season to donate to the history fund through your Ohio state tax return. All the money received is used for these grant opportunities throughout the State of Ohio.

### **Joe Borczuch, Service Director**

Mr. Borczuch indicated that he would request approval from Council to purchase a new mower that will replace an eight year mower. The city mows over 24 acres of property every week for most of the year. This was a budgeted item.

Mr. Stibich moved to **approve** a requisition to T & S Mower for the purchase of a 60 inch super Z hustler mower and bagging unit in an amount not to exceed \$12,938.71; Ms. Duncan **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that the city currently has one more option year left on the salt contract which will end on April 15, 2018. The price will increase by \$1.00 next year.

Mr. Borczuch indicated that Morton's has completed the maintenance for the 252 Underpass area for years. They have given him a proposal for maintenance this year which includes a spring visit, weeding the beds, pruning, clean up of leaves and debris, seven visits of weed and spraying of vegetation for May through November, as well as another pruning in June and fall clean up to get rid of weeds and cut down the perennials. He will also have over 200 yards of double shredded dyed mulch blown in and will be a two year mulch this eliminates the need for mulch next year. The cost is \$21,707.50 and the 317 fund will be utilized.

Ms. Duncan moved to **approve** a requisition to Morton's in an amount not to exceed \$21,707.50 for maintenance of the underpass hillside; Mr. Stibich **seconded**. Mr. Miller asked if the mulch will be for two years but the city will still need to contract out for the maintenance work. Mr. Borczuch replied yes but we would not pay for mulching next year. Mr. Miller asked if the city would see a significant cost savings with a two year mulch as opposed to a yearly mulching with all the same maintenance. Mr. Borczuch stated that if it was not dyed the city would save \$3,000 this year but then spend another \$8,000+ next year which is why he considered the dyed mulch. Poll: 6 ayes; 0 nays. **Motion carried.**

Mayor Donegan stated that in following through on the Master Plan and taking care of our entrances Mr. Sprague suggested placing something on the bridge that says Olmsted Falls. To follow through with that suggestion lettering will be placed on the bridge in the near future.

### **Chad Gluss, Fire Chief**

Mayor Donegan indicated that she is impressed and very pleased with the transition. She stated that she also appreciates Asst. Safety Director Traine working closing with Chief Gluss during the transition.

**William Traine, Asst. Safety Director**

Director Traine indicated that things are moving well with the transition of Fire Chief Gluss. A veteran program is in place. He stated that Chief Gluss is opinionated and those opinions have been correct, he has taken the leadership.

He stated that the police department has received their new body cameras and we have received five times more value than the previous camera's. He stated that the department has probably saved \$10,000 by having Officer McDonald work on software issues. He stated that the department will need a new server, which will cost between \$4,500 and \$5,000. This server will be used to download the body cameras and car camera's and should be able to utilize for the next 10 years.

Mayor Donegan asked if Director Traine would update Council regarding discussions with Director Goss and the dispatch center. Director Traine stated that Director Goss was thankful the city signed the contract. He stated that the Mayor was very insistent that the city was overpaying by \$200.00. He stated that not only was the Mayor right but this sent a message to the other members of the Southwest Dispatch that even though it is only \$200 we should not have had the increase. They felt the magnitude of that \$200.00 and the fixed budget for a smaller community that the Mayor was fighting for. He stated that due to her bartering there are a couple of other communities that may enter into the Strongsville Center which will give us a \$13,000 decrease Mayor Donegan stated that we stressed what a partnership means.

**Steve Presley, Finance Director**

Mr. Presley stated that in preparing the purchase orders for the employee's uniform allowances there was an oversight in that the Asst. Safety Director uniform allowance was not included with his appointment. He requested that Council authorize a uniform allowance for the Asst. Safety Director for 2017. Mayor Donegan asked the amount of the allowance. Mr. Presley replied \$1,075.00 which is equalivant to said position in the police department.

Mr. Haviland moved to **authorize** a uniform allowance purchase order for 2017 for Asst. Safety Director Traine in the amount not to exceed \$1,075.00; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

**Mike DeSan, Asst. Finance Director – No Report**

**Councilman Kyle Miller, Ward IV**

Mr. Miller stated that he has previously spoken to Asst. Safety Director Traine and in light of the news today with Officer Fahey's death he would like to thank the officers that do such great work helping keep traffic moving at Grand Pacific Junction which is place that is bottle necked a lot of times with the detour. Asst. Safety Director Traine indicated that there has not been any accidents in that area. Mr. Miller stated that those officers are not just leisurely directing traffic they are moving traffic along safely.

Mayor Donegan indicated that in light of the tragedy she did post information on the city's facebook page informing everyone that there is a move over law that we need to do a better job informing the residents of.

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

**Councilman Bob Sculac, Ward I – No Report**

**Councilwoman Terry Duncan, Ward III**

Ms. Duncan moved to **approve** a requisition to Logan Wells Productions for the August Music in the Park event in an amount not to exceed \$800 and authorize the Mayor to executive the contract; Mr. Stibich **seconded**. 6 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **approve** a requisition to Paradise Sunset for the June Music in the Park event in an amount not to exceed \$800 and authorize the Mayor to executive the contract; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

**Councilman Paul Stibich, Ward II**

Mr. Stibich asked if Council did not approve the appointment of Ms. Elliott because her background check was still pending. Mr. Sponseller stated that the Charter amendment change that was approved by the voters amending section 4.01 allows the Mayor to make direct appointments. Council does not need to approve those other than for the director's and appointments or removals of any member of a board and commission that exists under the charter. He stated that Council's authority does continue to exist with respect to funding and appropriation of funds. He stated that the Mayor did state that she would keep Council informed on the appointments but to the extent that funds are appropriated these positions can be filled by the Mayor. Mr. Stibich asked "we no longer approve these type of appointments." Mr. Sponseller replied right.

Mayor Donegan indicated that she will make certain that Council is informed of the appointment and will receive a resume of the individual and full background checks will continue on every one.

**Councilwoman Linda Garrity, Council Pro-Tempore**

Ms. Garrity indicated that Chestnut Grove Cemetery has increased their burial prices. She stated that the trustees have put great thought into looking at their expenses and revenues and this was a necessary increase. The cemetery has not increased their prices since 2012. The trustees did comp's with other union cemeteries and realized that an adjustment was necessary. There could be another increase in 2018. She stated that when you purchase a plot in the cemetery the prices include future maintenance of cemetery, such as snow removal, grass cutting, weed removal, fertilizer, etc.

Mr. Stibich asked if the price increase includes future maintenance. Ms. Garrity stated that the price increase was needed because once the expenditures versus the income received from tax revenue from the Township and Falls were reviewed it was realized that even though the cemetery has a nest egg in savings it could be spent quickly with some of the maintenance. Mr. Stibich asked if the current revenues were not enough to match current operating expenses. Ms. Garrity indicated just barely. She believes it is important that people understand that the cemetery, as we were told by Woodvale Cemetery in Middleburg Heights, if anything would happen to the cemetery it would fall back onto the Township and the City because it is a union cemetery. The trustees have been working very hard to be able to meet all of our expenses. When you purchase a burial plot that amount really includes future care which includes grass cutting, maintenance, roads, etc. all the costs that occur infinity. The trustees did not like increasing prices but felt we there was no other option. Mr. Stibich asked if this was something that Council and the Township Trustees had to approve or is this something the cemetery can do. Ms. Garrity replied that the cemetery board votes to increase the prices.

Ms. Garrity stated that if you remember back in 2015 Council voted for an increase for January, 2016 and was the first Council increase in 14 years. We did this because OPERS rules changed and the minimum salary amount for elected officials to receive one credit unit per month equaled a salary of \$600.00. As of January 1, 2017 that amount increased to \$630.00, so this year council members will not receive their one credit per month. To prevent that and protect the salaries Mr. Sponseller wrote the Ordinance 04-2017. The OPERS increase amount beginning January 1, 2018 will be \$650.00 per month for the minimum.

**Gregory M. Sponseller, Law Director – No Report**

### **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” **Tabled on 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 **Tabled on Third Reading (01/10/17)**

**Remained on table**

### **New Business**

#### ***Ordinance 03-2017***

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY TO CHANGE THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 281-02-135 LOCATED ON ELM STREET FROM D-3 (“SINGLE FAMILY DWELLING DISTRICT”) TO P-2 (“PROFESSIONAL OFFICE/MULTI FAMILY DISTRICT”) **First Reading**

Mayor Donegan indicated that she, Ms. Jones and George Smerigan met with Sprenger Health Care and this addition will bring 30 jobs and \$200,000 to our coffers.

Mr. Sponseller indicated that he distributed a memo regarding referring this to Planning Commission. In an attempt to move this issue along due to the number of jobs that will be brought to the City and assuming the Planning & Zoning Commission support the issue, he would suggest Council tentatively keep in mind the second meeting in March for its public hearing.

**Ordinance 04-2017**

AN ORDINANCE ESTABLISHING SALARIES FOR THE MEMBERS OF COUNCIL FOR THE TERM OF OFFICE COMMENCING JANUARY 1, 2018 AND THEREAFTER

**First Reading**

Mr. Stibich stated that he understands this is only a \$50.00 per month increase but it is sad when Council's compensation is determined by whether or not we get a pension paid for based on what we earn rather than by civic service and a desire to serve the city. Ms. Garrity stated that she couldn't disagree more. First of all, when she discussed the spirit of the legislation with Mr. Sponseller and Mr. Presley that was previously written in 2015, the spirit was definitely to keep up with the minimum requirements of PERS. As a NOCCA member she can state that Olmsted Falls is at the very bottom of the pay scale for any City Council in Cuyahoga County. There is no one that takes civic service to a higher degree than she does, but, she will admit that she will be 63 years old and feels that retirement is important. She has worked hard her whole life as a nurse, some of those years in STERS, and some in PERS, along with her public official's duties and she is at the cutting edge at 19.456 credits. She is looking at retirement and once you reach 20 credits you have the option of your retirement income. She also has an 18 year old that she has to account for when she's gone. She stated that 99% of the City Council's in Cuyahoga County are paid greatly above the salary that we collect in Olmsted Falls by quadruple the salary. This Council's only benefit is PERS and health care was increased to \$1,000 a month of minimal income. Many cities like Fairview Park and Lakewood looked at health care and this Council never discussed that we just looked at the bare minimal service credit per month. She has to begin looking at retirement at her age, she didn't have to 10 years ago but now she is looming on the edge of retirement which she takes very seriously. She also wants it noted that she takes her job very seriously and easily works five days a week including weekends at the cemetery. She feels she works hard and deserves it. We are only \$50.00 per month away and that seems like an unfair amount of money to take away that ability to earn one service credit per month; \$50.00 x 12 would be \$600.00. Mr. Sponseller indicated that this legislation would not take effect until January 1, 2018 after the November, 2017 election. This does not apply to any individual just any person that holds the position as Council person in the City of Olmsted Falls. The language is tailored to the PERS formula because the amount paid to Council members cannot be changed in term therefore there will be no change for 2017. The dollar amount for 2017 remains the same. If Council decides to adopt this legislation a copy would be sent to the Board of Elections to have on file and would become effective January 2018. The legislation does contain, as the prior piece did, a 2% annual increase. This legislation, must be adopted 90 days prior to the filing deadline which is in August of this year which means if Council chooses it would need to be adopted in March or April. Mayor Donegan stated that personally this is a small amount to increase. Mr. Miller asked that the Clerk provide a list of Council salaries for neighboring cities. Mr. Sculac stated that when Council looked at this more than two years ago, out of the 57 communities in the county Olmsted Falls ranked 57 and he believes when this was looked at again we still ranked 57 and we have not moved up the scale even with this increase. He knows that there are a number of communities that surround us that

receive a greater enumeration and receive health care coverage which is considerably more. As a retired person he has to be sympathetic to those who are looking at retirement and be supportive. Mayor Donegan asked the Clerk to also pull minutes regarding the last discussions regarding this issue. Ms. Duncan stated that Council is already behind for this year and asked if there was any way to tie in an automatic increase. Mr. Sponseller indicated that language was included in the legislation. He stated that the middle of section one states “however if such amount is insufficient to meet OPERS requirements for minimum earnable salary required for full OPERS service credit then the annual salary of all members of Council shall be equal to the minimum earnable salary required by OPERS for full service credit.” This will avoid this particular issue from arising again. As Mr. Sculac pointed out this Council is literally at the bottom and does not believe it has changed in any material respect with the increase to the \$7,500 adopted in 2015. On a personal note having been a Law Director in two other cities and being an Assistant Law Director in another, no disrespect to the other cities, this Council works significantly harder. This Council does have greater authority under the Charter and does a significant amount of work.

### **Miscellaneous New Business**

Mayor Donegan stated that the annual Safebuilt review was distributed and she will ask Ms. Vogel to complete a comparison mid-quarter from year to year.

She believes Mr. Presley will be working independently with the cemetery board and she would appreciate his insight and experience to help the board develop a financial business plan.

Mayor Donegan stated that the city is moving forward on the Rural Lorain Water process. Ms. Jones is constructing a letter that will be sent to 120 residents and Council will be copied. A public meeting will occur in the next couple of months for the conversion of the 120 homes from Berea Water to Rural Lorain.

She stated that Mr. Riddle has put together packets for all the boards and commission members which include the Master Plan and our mission and values. As a Council woman she always felt that there was a disconnect between administration and Council and the boards and commissions and that it really wasn't Council's job but the Mayor's job to repair the disconnect. She is stepping up to make certain that she services the boards and commissions well and she to work with the Council Liaison's to make sure we are all working on the same page. She believes the Park and Recreation Board is a good first step of really looking at how that has changed and evolved and what we can do as an administration to help Ms. Duncan and the Park and Recreation Board be successful and enjoy what they do. She would like to see the Master Plan carried by every board member so every decision that is made is in concert with what was adopted. We will be speaking with Omega Realty next week, which Ms. Tomasch from ABR has been involved in regarding signage on the Drug Mart Plaza. If you as the liaisons see something that is needed please bring it to her attention.

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

Ms. Duncan moved to **adjourn**; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:31 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*