

City of Olmsted Falls
Minutes of a Regular Council Meeting
Tuesday, February 14, 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 7:31 p.m. Roll call was conducted. Councilmen 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, Joe Borczuch, Service Director, Rosann Jones, Manager Business & Community Services, Steve Presley, Finance Director, William Trainee, Asst. Safety Director; and Odis Rogers, Deputy Police Chief. Audience: 42.

Approval of Minutes

Mr. Sculac moved to **approve** the minutes from the Finance Committee Meeting of January 24, 2017; Mr. Haviland **seconded**. Ms. Duncan indicated that she was not present for the meeting. Minutes were corrected to reflect that. Poll: 5 ayes; 0 nays, 1 abstain (Duncan). **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Regular Council Meeting of January 24, 2017, as amended; Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Consideration of Amendment to the Agenda – *None*

Mayor's Report and Appointments

Mayor Donegan indicated that any comments related to Ordinance 05-2017 or 06-2017 will be heard during New Business.

Mayor Donegan indicated how sad and shocked she was to hear that Mr. Jay Linn resigned as Councilman and Council President. She stated that you have a professional and personal relationship with individuals and Mr. Linn was dear to the supportiveness of everything we stood for during these last three years. In terms of what Mr. Linn has done for this community we are greatly saddened that we received the resignation and Council as well. He has given over 30 years of volunteer service to this City which is greatly appreciated. We wish will god speed in his next chapter.

Ms. Duncan moved to **appoint** Jill Lukes to the Park and Recreation Board for a five year term to expire 12/31/2021; Ms. Garrity **seconded**.

Mayor Donegan stated that not only Ms. Lukes educational background with a master's in business and project management and computer and health science but her significant volunteer service including the baseball association which we have been meeting on. Poll: 6 ayes; 0 nays. **Motion carried.**

She stated that at the Planning and Zoning Commission meeting on January 25th to consider the zoning change and have voted unanimously to recommend the zoning change classification of

PP#281-14-002. Council's public hearing has been scheduled for February 27, 2017 beginning at 7:00 p.m. She stated that the MUTND classification was developed over the last couple of years and is one of the successes of the new master plan. She stated that the MUTND will offer a traditional neighborhood diversity with porches in the front of the homes and garages located in the back of the properties and smaller units. She believes this is a positive structure to what Olmsted Falls stands for with a more walkable neighborhoods.

Bagley/Turnpike Bridges – She reported that the City had a successful meeting with Cuyahoga County in order to accelerate the Bagley Road Bridge project. She does not know necessarily what that entails as of yet but it is important that this project is accelerated. We began working on the Bagley Road Bridge when she took office in January of 2014 and needless to say this has been a process and was delayed approximately 6 to 9 months. The original plan was to close the bridge in May of 2016, but, for a lot of various reasons and the county moving slowly the project was delayed. The Turnpike Bridge located on Columbia Road will close immediately after the school term and is important that Bagley Road is re-opened.

Cook Road Flooding – She reported that a resident is present this evening to speak regarding this issue. She stated that there were approximately five or six homes that traditionally began flooding approximately five or six years ago for a lot of different reasons. It is disappointing to be a resident that pays all the taxes and then having your basement flood or worrying about what will happen when it rains. We seem to be having 100 year rains every weekend. Obviously, nothing has been done until 2014 to begin planning for an infrastructure revamp. You have heard this on the federal and state levels as well. She would like to remind Council that in March of 2016 the city engineer put together an analysis of the drainage situation. Some of these issues will be repaired during the Phase V project, but, that project has been ongoing since 2009, which is another lemon inherited. We will probably need to allocate some funds to resolve some issues in this area. She does pride herself on being a communicative administration, letters were sent in 2016, the last in March of 2016 to all the residents and forwarded the city engineer information. She stated that we were never able to develop the capital funding to resolve the issues. She stated that she and Director Borczuch walked the residents property during her last flooding issue.

Medical Marijuana – Mayor Donegan stated that a six month moratorium was approved and will expire in March. A meeting with her, Bess Vrettos and Santo Incorvaia was scheduled with a medical marijuana distributor but unfortunately the distributor cancelled that meeting. She would ask that Council consider extending the moratorium for at least three months.

Park and Recreation Strategy Session – Mayor Donegan stated that Ms. Garrity, Mr. Sculac, and Ms. Duncan attended this strategy session. We need to address for 2017 and beyond what the Park and Recreation Board's chartered responsibilities are and what role Olmsted Recreation will be and how we will continue to work with the senior center and potentially bring in the YMCA or other vendors. Another meeting has been scheduled for tomorrow to continue discussions. She indicated that an agenda has been posted.

Updated Ethics Ordinance – She stated that during the last couple of weeks she received an email indicating that the ethics ordinance is outdated and asked who the Commission members were. Currently there are two commission members and she will state again that this ordinance will be completely revised and is an initiative that began in January. She stated that Mr. Sponseller is

currently working on that revision, which will be a combination of what the County has adopted and what she believes we expect from one another.

Rural Lorain Water/Berea Water – She stated that this seems to be another controversial mailing that was sent out recently. She has been talking about this issue for approximately six to nine months. There are three different water source vendors in the City, Cleveland Water, Rural Lorain Water and Berea Water. She stated that Berea Water services approximately 119 residential homes. Over the last decade the City has received a number of complaints, which she has indicated, not only regarding the surcharges that Berea exerts on our residents, which we have no control over, but also the fact that most residents cart in their water or on occasion have to put things in their laundry. As we do with anything we began vetting this issue. This issue has nothing to do with the report that came out of the City of Berea regarding lead in the water. She stated that she met with the City of Cleveland on multiple occasions as well as Rural Lorain Water. She stated that Mr. Peters also serves on the Rural Lorain Water Board. She stated that after the meetings a conversation needed to begin with 120 residents to see if they would be interested in changing, which included a mailing. She stated that Council does not meet like they use to when she was a Council member, there use to be committee meetings and work session plus the two regular council meetings. She is not indicating that schedule was the right way to handle issues, but, this is a living, breathing organization 24/7 365 days a year. There are mailboxes located in the building for each Council member and each mailing sent is copied to Council. She was disappointed to learn that a couple residents from the Westlawn area called and indicated that they did speak with their councilman who was unaware of the letter. She indicated that communication is a two way street and if any Councilman needs to review their mail or determine what is in their mailbox contact the Clerk as that is part of her duties. The Clerk is here to primarily serve Council with information or whatever is needed. She stated that the letter perceived that the city was moving forward with this project and was compounded with the notation that this administration does not communicate with Council. As we continue to work together if you need to call in weekly to her, which she has previously offered, or if you would like her to contact Council members on particular days and times to update on what has been transpiring she would be happy to. Please keep in mind that she does not have a secretary and asked that you make an effort to get a hold of the administration as well, we are generally here 8 to 12 hours per day. She stated, for the record, that the City is only investigating the possibilities of a new water source. She stated that she met with Mr. Sadlon, who is a Civil Service commission member, who indicated that the letter did not come across well. She indicated that another mailing will be sent in the future to gauge the resident's feedback and if there are a number of affirmative residents who want to change water sources the city will continue to investigate the possibility. She has spoken with the finance and service director's regarding helping pay for a switch.

Mayor Donegan indicated that Officer Andrew Vance was a reserve officer and has been sworn in as a part time officer. Officer Vance sent an email to her and Chief Trainee, which stated "last Thursday I did not get a chance to properly thank you for promoting me to part time patrol officer. Needless to say I was overwhelmed that morning. Since I can remember I have wanted to be a great police officer, I grew up in Olmsted Falls and love the city that I work for, I am very fortunate to have a great leader and a great police chief. Thank you for this opportunity to serve." She wanted to inform Council that the department has increased their part time staff which helps with overtime.

She stated that the city has taken a lot of pride in its logo and marketing and have been receiving positive feedback on economic development as well as some interest in the second floor, some interest in the old library. We are on the cutting edge of "flipping the switch" and doing some positive things

for the City. She stated that when you are meeting with developers and throwing information together we are not giving a good first impression. Therefore, she purchased some folders to begin handing out information.

Communications from Residents

Antoinette Vitello, 25800 Cook Road, stated that she is present to go over flooding that occurred on Tuesday. She presented pictures to show how massive the flood was, how it flowed over the embankment and actually went to the German Club, half of her back acre, and to the left. As these pictures indicate you can see how far the water went outside the reservoir. She was present before Council on September 8, 2015, during that time she came forward to talk about flooding. At that time, you indicated to her and the other residents that the City was going to go and speak with the German Club about a partnership to attempt to find a resolution. She stated that the culvert that travels between Cook Road and Myrtle Avenue was also discussed and determined that they were rotten, and those have still not been replaced. She stated that November 15, 2016 the city stipulated that there is “dumps no waste and drains to creek.” It also stipulates that the city is supposed to clean the waterways. She also has photographs of the ditch with debris in it. When you have trees that are falling and limbs that are in the areas within the grass and is not taken care of when it overflows it goes into the ditch. Once again, you are looking at a smaller pipe, the way it was explained to her, and she is not an engineer, it was stipulated that you roughly have about a 16” pipe that leads into a 35” pipe. So the flow of the water is not going to come from her smaller pipe which is in the reservoir and drains out to the Rocky River. The problem is she keeps coming to these meetings and she keeps bringing this issue forward, she was present in 2015 which was her first flood, the second flood was in 2016 now she has another one in 2017 and they keep getting bigger. She pulled the government census for Olmsted Falls and it stipulated back from 1990 when you first had residents that lived here which was 6,741 as of 2010, which is not current, at that time it stipulated that it was 9,024 which is a 13% increase. Her question is if we are getting more residents and more businesses that we are trying to get into our city why aren’t we addressing the issues for the residents that live here. She pays her taxes, trust her, if not you came after us because you want your money, then do something with these drains. If it was not for her neighbor across the street who brought her an industrial sump pump with a fire hose hooked up and her basement drained for 2 ½ hours. The city also brought her another sump pump to get the water out of her basement. She has insurance but there is a cap on it. She is a single mom and it gets to the point where residents are wondering why we are paying taxes and not seeing any results. She seen the beautiful folder but she can show boxes that were ruined in her basement with sentimental value that she has lost for the third time now. She is asking today is the city going to do something. The ditch needs to be cleaned, the culvert needs to have some sort of camera run through it, because one of the residents who is in this profession, and emailed the city, he walked the German Club to find where the drainage went and there is a sink hole with limbs and debris in the culvert. When you have a massive amount of water flowing through and it has small little holes to get through her basement floods. It was not only her basement but everyone associated around the ditch. We need to do something and the fix that will be done with the sewer project she can’t wait that long. Every time it rains she has a fear in her head that makes her want to run home and she shouldn’t have to live like that because you wouldn’t want to.

Mayor Donegan stated that this is the German Club property which is located in Olmsted Township. She believes that Mr. Linn addressed some issues when there were trees left and cut down which was one of the floods. She stated that the service department does clean out the ditches but what is hard to

appreciate is when it is flooding in the manner that it does and everything is brought down with water then it gets plugged. We had guys stationed there to unplug the area. We went over and spoke with Mr. Weaver and she walked Ms. Vitello's back property. She stated that Mr. Weaver has some experience in this area but is not the city engineer. She stated that the city engineer has contacted Mr. Weaver and is working with Mr. Borczuch to determine the earliest remedy for this issue. She stated that Council may have to approve dredging a pipe or exploring a pipe the city does not own to see what we can do for this area. Again, she has had floods in her home and knows that it is horrible to lose personal mementos. It is hard as the Mayor and Council when you only have so much for a budget with so many problems and the fact that the infrastructure was ignored. This is not an excuse but a fact.

Mr. Borczuch stated that since 2015 the department has visited this area numerous times and has met Mr. Salk from the Olmsted Township service director who was in constant contact with the German Club. The German Club was to maintain the area around the pipe because it is located on private property. He indicated that he has offered to run a camera through but was not permitted at that point in time. They were instructed to make sure that they covered and that everything was cleared but they have not done that at this point. He reached out to Mr. Salk again after this last visit and we are attempting to contact the German Club to get permission to walk the private property so we can investigate the sink hole and coordinate a remedy with the city engineer. Mayor Donegan indicated that the German Club seems to want to be good neighbors and asked Mr. Sponseller to write some sort of letter in order for the city to take a proactive approach. Mr. Borczuch indicated that the culvert that crossing Cook Road will be the only issue remedied with the Phase V project. It will not fix downstream. Ms. Vitello indicated that once Phase V is completed this problem could still exist because it will not be a complete flow to the river. Mr. Borczuch indicated that since the ground is saturated the city cannot get their equipment to the area to camera the pipe. This area will need to freeze really well or dry out considerably in order to drive the unit out.

Mayor Donegan stated that she can assure Ms. Vitello that she has heard her and is speaking with the city engineer. She stated that the offer of the camera is something that the city does not always do and asked Mr. Sponseller to write a letter as well to the German Club to obtain permission to walk onto the property. She stated that she will not let this issue fall off the project list. Ms. Vitello stated that she heard that in 2015. Mayor Donegan stated that she knows that Mr. Linn discussed the tree issues and that the area is cleaned after every rain and when it is raining. She knows she didn't solve the issue and wishes that she could. Ms. Vitello stated that another issue is when the German Club has Oktoberfest or other events with the vehicles they are not supposed to park in this area but they still do. They also come down Cook Road and do not understand what a trash receptacle is because it's all thrown into the ditch. She has had her nephews cleaning out the ditch and she shouldn't have to do that. Mayor Donegan indicated that Ms. Vitello was instructed to contact the police because the city is not permitting them to park there anymore. She apologizes and this is the tough part of being a Mayor she knows Ms. Vitello is not going to be happy.

Mr. Sponseller stated that since we are talking about the geography of Olmsted Township as well and private property, please keep in mind those issues can tie the city's hand. He stated that Ms. Garrity passed him a note regarding the Northeast Ohio Regional Sewer District has a stormwater fee imposed on residents and a certain amount of that is allocated to each city and he believes the township which could help with a cooperative project. Mayor Donegan stated that the City Engineer is aware of that program. She stated that there were four areas that have continual flooding when she

took office in 2014. The problem at city hall was remedied which did cost but there are other major areas that need to be remedied.

Mayor Donegan stated that there is a vacancy on City Council and tonight is the first opportunity that the remaining members have had a chance to speak. They will be discussing making an appointment and have 30 days by Charter to make the appointment, if the appointment is not made in 30 days the Mayor is permitted to appoint. She has no interest in appointing a Council member, Council has provided her with the professional courtesy over the years to fill board appointments and she will offer the same courtesy. The city will follow the Charter regarding filling the vacancy.

Ed Dean, 7594 Mapleway Drive, stated that he was going to address sewers but he has a call pending from Mr. Sheehy. Mayor Donegan indicated that he was supposed to contact Mr. Dean today. Essentially the sewer assessment methodology changed and Council voted for that change a couple of years ago. The reason for the change is due to the fact that it was an old archaic convoluted way to assess. There is one line per household and one entry point. A couple of years ago with recommendations from the finance director, law director and city engineer, basically it is determined by the total cost of the project minus the grants, which the city received another \$600,000, and then all residents are assessment the same amount. For example, most of the assessments are \$12,000; she paid \$11,000 20 years ago which shows that it is in line. She stated that Mr. Sheehy will be in contact. Mr. Dean stated that the rest of the city was assessed by 40% square footage. Mayor Donegan indicated that was correct but the city is no longer using that methodology. Mr. Dean indicated that it is not fair to the residents who are getting a flat assessment. Mayor Donegan stated that this was investigated. She stated that this project was sent out for a grant in 2009, the city was awarded the project in 2010, the city did not move forward until 2013, the bids came in and the project was unattainable, there was no way with the assessments that the project could move forward. Therefore, the city had no choice but to go back and ask for another grant, which we did and received almost \$5 million dollars and continue to get funds from different sources. Council debated the issue took into consideration the methodology and why the old way was used and reasons to use the new way. It made more sense to move forward with the new because why do we care how much the home is worth. Council made the decision to change the methodology several years ago. Mr. Dean asked if he could get a copy. Mayor Donegan indicated that he could submit a public records request. We are not going to change the methodology it will remain as it stands. For example, Mr. Dean could say the first assessment the first time was \$6,000 and now its \$12,000, but the first assessment did not work as the project was unbuildable. She stated that her assessment has been on your taxes for 20 years and she paid \$11,000 so considering 20 years have gone by comparatively speaking it is generally what others have paid. Mr. Dean stated that he was not going to bring up the sewers because he is awaiting a phone call from Mr. Sheehy.

Mr. Dean stated that he believes some misinformation was presented to residents on Mapleway. He had not heard of changing the name of Mapleway to Clearview Way because of all the trees being cut down by the City. In other words, there are about five or six trees. Mayor Donegan asked if the trees were located on the treelawn. Mr. Dean indicated the trees were located on people's properties that were cut down. These people are neighbors of his and were told that the trees were diseased when there was no evidence or nothing in writing and they were told that because the leaves were bothering their neighbors that the city has the right to come in and cut it down or they were told that the city can just do that because it's close to the right-of-way. These trees are right on their property and were part of the culture of Olmsted Falls which makes one fo the selling points of Olmsted Falls and they were just arbitrarily cut down with no written permission from the people. So, he thinks that was

misinformation given to the people and now the trees are down and that's not right or fair. Mayor Donegan stated that she is not sure if Mr. Dean has been fully or accurately informed but she will take him at his word and she believes that Mr. Borczuch and Mr. Sponseller were involved. She stated that the city has a Shade Tree ordinance and are proudly 27 years as a tree city so to say that we arbitrarily cut trees and have no regard for them is not true. We continue to be one of the longest serving Tree City U.S.A. communities. Mr. Dean indicated that this information was given to the residents. Secondly, the Illuminating Company on behalf of Olmsted Township is cutting down in the right-of-way tree branches which are preventing or could prevent an accident from falling into that right-of-way. The Illuminating Company has hired a company to trim trees. Mayor Donegan indicated that was the Township and not us. Mr. Dean stated that at one point Ohio Bell trimmed the trees in the right-of-way only which necessarily prevented trees from coming down or a hazard from the right-of-way even though these trees were on individual's property. Now, when Ohio Bell, which is now AT&T, decided they were no longer going to do that and the city has a cherry picker the city says we don't have any responsibility for that. Mayor Donegan stated that he was talking about the Township. Mr. Dean indicated that he was giving an illustration as to what was happening now. Mayor Donegan replied in the Township? Mr. Dean stated in the Township but as far as Ohio Bell they use to do it in the Falls, they no longer do that, the Falls had a cherry picker. Mayor Donegan indicated that Mr. Dean is conflicting some things. The Illuminating Company will contract with Asplundh and that is their right-of-way. She stated that if they cut down a tree and leave it the city is citing them to clean up the property and we have had a lot of success. Mr. Dean indicated that he was using the Township as an illustration for beautifying the Township. He stated that Ohio Bell use to do this work and when they decided they were no longer going to then the city dropped the ball. Mayor Donegan asked how many years ago. Mr. Dean stated that he could not say an exact date. Mayor Donegan indicated that this is the first time she is hearing this issue. Mr. Dean replied that we have trees that are intertwining with Ohio Bell phone lines and it's in the right-of-way now that is the city's responsibility in the right-of-way, which is from the edge of the sidewalk to the center of the street. Mr. Borczuch indicated that the tree trimming performed by CEI throughout communities is only where there are power lines, cable, phone, etc., they do not maintain. Mr. Dean replied he knows they don't that is a different company. Mr. Borczuch indicated that Mr. Dean was explaining this happening in the Township, which is not true. Mr. Dean stated that he was given an example as far as CEI hired for the Township, new paragraph, for the City of Olmsted Falls. Mayor Donegan asked if Mr. Dean is stating that the city is not clearing the right-of-way like we should be. Mr. Dean indicated that at one time we did and now we are losing trees because the city, someone he is told on behalf of the city said the city can go ahead and just cut these trees down we have four or five trees on Mapleway that are down with no proper authorization. Mayor Donegan stated that she takes offense to jumping to conclusions. She has no problem apologizing or trying to figure out a better way to do things but we are dedicated to trees that she sent Gerry Peters, who volunteered to go, is now a certified arborist so when we are pruning people think we aren't just cutting trees down willy nilly.

Mr. Borczuch indicated that the trees located on Mapleway were Silver Maple Trees. On numerous occasions they have taken down other lines going to residential homes. These trees were partially in the right-of-way, even though they were on the residential side of the sidewalk, due to that the City has a responsibility and liability to those trees, which is the reasons they were removed. All residents were notified of those actions and such work was completed. The tree Mr. Dean is discussing that he would like trimmed up is way up by his home and the limbs stretch out towards the cable lines. They are not in the roadway area where they are a hazard to vehicles, which is why action has not been taken. Mayor Donegan indicated that she will take a look at this particular tree and contact Mr. Dean. Mr. Dean indicated that he is concerned because misinformation told the residents and now they

don't have the trees. Mayor Donegan replied that the particular resident begin discussed was notified. We leave special notes and placed things in doors and she will be more than happy to take a look at the tree. Mr. Sponseller stated that the service department was directed by the Shade Tree Commission to remove those trees on Mapleway as well, which was held at a public meeting of the Shade Tree Commission. Mr. Dean indicated that they did not have a legal right to do that. Mayor Donegan indicated that there is a process and we try every day to do a good thorough job.

John Jurcsisn, 8996 Westlawn Blvd., stated that he has been a resident for 40 years. He stated that some information was cleared up this evening by the Mayor but clearly the letter that he received on February 1st smacked of here we go again with the sewer project and poor communication. What he knows today is that this is not a done deal, as four school teachers read that letter and said that is what it was, and that a meeting will be set up in the Spring. Mayor Donegan indicated if the City moves that far forward. As she previously stated we could hear back from 100 people that say they are not interested. Mr. Jurcsisn at that time we will have all the data to look at and conduct a vote and it will be a majority to move forward. What he is saying is the importance of communications for the Council, for the Mayor and Ward representatives should be able to talk to each other. Sometimes you may not be on the same page on things but he does not want something internal causing problems for someone paying taxes, make sure you communicate and address any issues that come up and get that information down to the people. Mayor Donegan stated that her direct staff has project plans, Mr. Borczuch has the longest, the executive meets weekly and we filter down information to Council members. As she indicated when she was a Council member there were many more meetings. We meet two times a month to tell them everything that has been going on in a living breathing 365/24 hour a day operation. It is incumbent on them to check mailboxes and to call in. She believes this issue has been cleared up. Mr. Jurcsisn stated that communication is very key. Mayor Donegan replied that she agrees.

Approval of Bills:

Mr. Sculac moved to **approve** Pay Ordinance 2017-03; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Officials Reports:

Rosann Jones, Manager Business & Community Services

Ms. Jones reminded Council that tomorrow evening the Planning and Zoning Commission will hold their public hearing regarding the zoning change request for Village of the Falls. She believes this will be good for the facility to be able to expand and increase their work force. Mayor Donegan stated that this facility is now Sprenger Health Care. This will be an addition of 30 employees and approximately \$200,000 to the payroll which is always good. We have worked hard in the last four years to bring in business.

Joe Borczuch, Service Director

Mr. Borczuch indicated that the road materials bid tab sheet was distributed to Council and he is requesting approval of those requisitions. He stated that numerous bids were received. The Arms Trucking was the lowest bidder for the aggregate stone.

Mr. Miller moved to **approve** a requisition to The Arms Trucking in an amount not to exceed \$20,000 for stone for the 2017 road repair season; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Garrity moved to **approve** a requisition to Crossroads Asphalt Recycling in an amount not to exceed \$9,000 for the 407 tack RS for the 2017 road repair season; Mr. Stibich **seconded**.

Mr. Stibich asked if there were any other quotes for this material. Mr. Borczuch replied no and the price is the same as last year. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Donegan indicated that Joe Vitale the president of the Soccer Association asked if the city had any extra grindings. Mr. Borczuch indicated that he is on the list.

Mr. Borczuch indicated that the price of concrete has increased \$10.00 per yard this year due to the aggregate added to make the concrete.

Mr. Haviland moved to **approve** a requisition to Westview Concrete in an amount not to exceed \$45,000 for the concrete for the 2017 road repair season; Ms. Garrity **seconded**.

Mr. Stibich asked if there were competitive bids. Mr. Borczuch indicated that the bid tab sheet was distributed to all of Council. Mayor Donegan indicated that the tab sheet was attached to a memo from Mr. Borczuch. Mr. Miller asked if this was the same amount of concrete the city used last year and are we looking at the same amount of street repairs. Mr. Borczuch replied that was correct and this is the department's in-house work. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that Kokosing Materials were not the lowest bidder but they are the closest for the department to haul asphalt in and out of. Allied was approximately \$1.50 less but they are located off of 150th and it takes the department a significant amount of time to travel back and forth. He stated that the amount is usually \$100,000 but has been increased to \$125,000 due to the County giving the city funds for Lindberg Boulevard. These funds will be a reimbursement from the County. Mayor Donegan indicated that the cost to replace Lindberg is \$1 million dollars. Mr. Sponseller indicated that these requisitions are in response to bids that were advertised. Although we are not going with the lowest bid and the cost differential between the transportation and additional wear and tear on vehicles would be greater than acceptance of the lowest bid.

Ms. Garrity moved to **approve** a requisition to Kokosing Materials, Inc. in an amount not to exceed \$125,000 for asphalt for the 2017 road repair season; Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that a new gas line will be installed on Garfield between Mapleway and Lynway. He stated Columbia Gas has hired Infrasource to complete the site work and notifying the residents.

He stated that the Bagley Road project in the Township started today. This project includes new water lines, sewer lines and road replacement. The water and sewer project is from Stearns Road West to the North Ridgeville line but the road resurfacing will be from Old Fitch to the North Ridgeville line. We may get more vehicle traffic due to this project.

He stated that a pre-construction meeting was held today with Fabrizi on the Phase V(a) project and will begin construction mid-March, depending on when the asphalt plants re-open the project should be completed by April 30th. As he receives more information he will pass along to Council.

He stated that the city has been attempting to find Christians in Action a new home. We have determined that their permanent home will be in the lower level of the administration building. They will have access doors at the southwest corner of the level. This area is approximately 2900 square feet. Mr. Sculac stated he, the Mayor, Mr. Presley, Mr. Borczuch, and Alex Russo from Cresco Realty met with Christians in Action for approximately 2 ½ hours. They were looking at property upstairs but we may have some prospective tenants for the upstairs and we attempted to find an alternative location and Mr. Borczuch came up with this area. They were very happy with this area behind the police department and the fact that they have a separate entrance and arrange can be made if an elevator is needed. There were four representatives from Christians in Action as well as a conference call with another individual.

Mr. Sculac moved to authorize the Mayor to enter into an Agreement to lease a portion of the basement level to Christians in Action for One Dollar (\$1.00) per year subject to finalization of the lease agreement between the parties; Mr. Stibich seconded.

Mayor Donegan stated that Mr. Borczuch took the lead on this project which she appreciates. There seems to be no space for this organization at either church and the city allowed them to utilize the old public library and at that time she informed them that the administration would attempt to find them a permanent home. Mr. Sculac indicated that a small amount of construction will be needed but nothing major. Mayor Donegan indicated that this will also give the police department an area for fingerprinting and quicker access to files. Poll: 6 ayes; 0 nays. Motion carried.

Chad Gluss, Fire Chief – No Report

William Traine, Asst. Safety Director

Asst. Safety Director Traine indicated that next week a part time firefighter will be hired. Mayor Donegan asked that a list of part time officers be developed as well as auxiliary and reserve officers.

Steve Presley, Finance Director – No Report

Mike DeSan, Asst. Finance Director – No Report

Councilman Kyle Miller, Ward IV

Mr. Miller wished everyone a Happy Valentine's Day.

Councilwoman Terry Duncan, Ward III

Ms. Duncan stated thanked Ms. Lukes for accepting an appointment to the Park and Recreation Board who will be very happy.

She stated that the Shade Tree Commission recommended this evening to present the information as written to the Planning & Zoning Commission regarding the tree ordinance changes. Mayor Donegan indicated that this is something positive that Mr. Linn worked on to update the tree ordinances. This suggestion met with some resistance and controversy from some of the boards and commissions but

she believes that is how you get the best product, with healthy debate and then the best product is developed.

Councilman Bob Sculac, Ward I

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash position dated 12/31/2016 in the amount of \$1,298,410.38; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac moved to **acknowledge** receipt of the Statement of Cash position dated January 31, 2017 in the amount of \$1,024,262.53; Ms. Duncan **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac expressed his thanks to Mr. Linn for over 30 years of service to the city both in the Planning Commission, Board of Zoning Appeals and City Council. He regrets the resignation at this time and believes that Council will in the near future to acquire an additional council person due to the 30 day limitation.

Mayor Donegan reminded Mr. Sculac that the Juniper presentation will take place tomorrow.

Councilman Paul Stibich, Ward II

Mr. Stibich stated that the ABR met last week and the new architect consultant was present and he gave the board some good advice. He believes the ABR board is very pleased with this new individual.

Mayor Donegan stated that Ms. Tomasch attended a meeting with Omega Realty, who owns the Drug Mart Plaza, a couple of weeks ago. She stated that the plaza individuals do not want to do any aesthetics improvements but the City would like to see some. She stated from this meeting she believes there will be some great signage with some lights. She stated there was also discussion regarding crossing the street from PNC across to Mill and a sketch was developed for a sidewalk due to the city events that are being held in the area.

She stated that Mr. Stibich's name was also added to Ordinances 05-2017 and 06-2017 and placed on Facebook this morning as well. She does appreciate him asking to have his name added.

Councilman Jim Haviland, Acting Council Pro-Tempore

Mr. Haviland stated that he does appreciate hearing the concerns of residents this evening which helps each council member represent the residents better.

Councilwoman Linda Garrity, Council President

Ms. Garrity stated that the annual Open House will take place on Sunday, March 19th from 1:00 to 3:00 p.m. Food, music and come to meet your council representatives.

She stated that a fundraiser will also be held on Saturday, March 25th at Suds Maguires on Bagley Road. She would like Council members to donate a raffle basket for this event. This fundraiser is being held for the Stone Family.

She would also reiterate that Council has 30 days, according to the Charter, to appoint a new Council member. She will be speaking to each Council member individually.

She stated that regarding she is in active discussions trying to fill the position on the Planning & Zoning Commission by tomorrow evening. She will assure that someone from Council will be present.

Ms. Garrity welcomed Mr. Haviland as the Acting Council Pro-Tempore. She will now be the Council liaison to the Civil Service Commission and Chair of the Utilities Committee.

Ms. Garrity indicated that the NOCCA dinner was held last Thursday. The topic for the May meeting will be Opioid addiction with a speaker from the Adams Board.

Ms. Garrity moved to **extend** the medical marijuana moratorium for an additional three months which will expire at the end of June; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Gregory M. Sponseller, Law Director

Mr. Sponseller stated that the representative from Council will be the Council President's designee to the Planning & Zoning Commission for voting purposes.

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

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”) **Second Reading**

Ordinance 04-2017

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

Public Comments

Ernie Peto, 25401 Tyndall Falls, stated that he hopes Council performs their due diligence when electing the next Council President and not to elect a bigoted 1920 thinking person. He might have done 30 years of good service for this organization but so did Art Modell do 30 years of service and he blew it at the end. He again hopes that Council does their due diligence. This was a bad image for Olmsted Falls because on two newscasts they ended the newscast about the sign story stating Mr. Linn is the president of the Olmsted Falls City Council which is made for our image and trying to have our image of the community. He hopes Council picks someone else more confident to put in that office.

Paul Heney, 8870 Lakeview Drive, stated that he has been a resident of Olmsted Falls for 18 years. He lives here with his partner and his two sons and he is speaking in support of the equality ordinance. A little bit about him, he knew he was gay when he was a young child before he knew what the word meant and certainly before he understood what the societal implications of what it was. Some people who would be opposed to this ordinance he has heard over the years by saying being gay, LGBT, is a lifestyle or choice they disagree with, that is simply a way that they are trying to dehumanize people like him. While he is gay, it is not the only thing that defines him, he is very much more than that, he is a father, partner, brother, co-worker, taxpayer, parishioner, a friend and neighbor. It is fashionable now in our political climate to rail against politically correct speech, which he hears a lot, but he thinks it is instructive to step back for a moment and ask ourselves what does politically correct mean. It means not talking about someone different than yourself in a demeaning way; it means not repeating hurtful jokes or stereo types that maybe our parents or grandparents made in a time when people didn't consider how it felt to be on the receiving end of those comments; it means giving others the benefit of the doubt when you don't understand how they were born, how they speak, how they worship, what their economic perspective is or what they look like. He believes that if you feel it is important to rail against treating others in a disrespectful manner maybe the problem is within your own heart. He appreciates very much Council's consideration of this ordinance and while he personally does not look to government for personal validation there is a power in these types of ordinances and statements. To a young LGBT person hearing positive messages from people in their lives, including elected officials who set a tone for a city or region, is critical especially in a day like today when 30% of LGBT youth attempt suicide before the age of 15. We like to say in this country that all citizens are created equal and he thinks it is high time that we affirm that here in Olmsted Falls.

Alana Jochum, Equality Ohio, thanked Council for allowing her to speak. She prepared a full statement and distributed that to each member of Council. She would like to speak from the heart to say thank you so much for what this Council, what your leadership Mayor, what you are doing here to consider a human rights ordinance to protect all citizens of Olmsted Falls and your response in the recent speech that we have seen and your responsiveness to your citizens who have stepped forward. We are greatly appreciative of cities that do this and take these actions seriously and we are proud to hopefully celebrate Olmsted Falls being the 17th city in Ohio to pass fully inclusive non-discrimination protections for all citizens. She also offered herself for any questions that may come up related to the specifics of the legislation.

Ed Gorski, Brentwood Avenue, thanked everyone for allowing him to speak. He has lived in the City of Olmsted Falls for nearly 20 years, so basically all of his life, this is the first and so far the only community that he has had the privilege to call his home. He has grown up in this community and with this community he went through the school systems and graduated Class of 2013 with honors. He has continued to live here through his time at Baldwin Wallace University where he will be graduating with degrees in neuro science and psychology in May. He has also worked at several of the local businesses since he has lived here, some of you may recognize me as a cashier or courtesy associate at Discount Drug Mart. To speak on some of his personal experiences, he has been extremely lucky to grow up in a time when the LGBT community has made great strides in terms of acceptance and equality. His experiences is out and am a very proud gay man has been shaped by the incredible love and acceptance and support of my family, friends and the community as a whole. He has made incredible strides in personal growth since he decided to stop being afraid. When he compares himself to the scared closeted young man he was just over two years ago it is clear to him that he is a happier, healthier and more self aware person. All of that said, he is not here to merely impart his story and his personal experience to this Council and the citizens, no matter how positive his experiences have been and no matter how much progress the LGBTQ community has made in the last 30 to 40 years and especially recently, it is still clear that there is more to be done. There are those who trivialize and marginalize the struggles of the LGBTQ community the most severe of which often comes from within the individual themselves, we tend to hate or oppose that which we do not understand but where some people see the opportunity to hate or ridicule he sees it as an opportunity to grow, to learn something new, to better himself by considering the experiences of others. By marginalizing a community based on sexual or gender orientation or anything that can be seen as a means to be categorized or divide us; race, religion, we are stunting an opportunity to grow and become a richer more diverse and more welcoming community. The non-discrimination ordinance that is under consideration would promote a sense of unity which is something that any community should strive for, this should be considered a step in the right direction, this should be considered a step towards improving our city for the better; this should be considered an opportunity to stop the stunting of civic growth. Ultimately he believes it is pertinent that such an important opportunity is not wasted. It is his urging that Council takes this into consideration, pass this ordinance and take the opportunity presented and work towards creating a community that everyone LGBTQ included can be proud of.

Randy Webb, 8484 Forest View Drive, stated that he has been an Olmsted Falls resident for 17 years. Three years ago one of his daughters came out to them that she was a lesbian. Leading up to that point fear kept her in the closet, hiding from bullies at school here in Olmsted Falls and hiding from herself. Closet can be a dangerous place, in his case self- harm happened there. Today she is out, she's proud and he and her mother could not be more proud of the woman she is becoming. Supporting our daughter did not come without a cost, we have lost friends, family, church,

community because of that support and quite frankly we are better people for it. There is no way to protect your LGBTQ child, friend, family member, he is also an employer so employees from the horrors of this world. To keep them safe at all time, to constantly watch over them. But, here in Olmsted Falls you have the ability to make their lives a little more fair. Like other classes of people you can protect the LGBTQ person's right to housing, employment, education, public accommodations, etc. Accordingly to the 2013 poll by Goodman, Simon Strategic Research 79% of Ohio registered voters believe that laws should be passed banning discrimination in employment, housing and public accommodations based on both sexual orientation and gender identity and the opinion of Ohio voters is consistent with the national trend. Please consider passing these ordinances and make Olmsted Falls a safer place for everyone. You have his support and asked what Council would need from him. Mayor Donegan stated that he should continue doing what he is doing.

Brook Nisky 8526 Bentley Drive, stated that she and her husband live here and have four children under 7 and she loves Olmsted Falls and is present tonight as an ally. She does not feel like she has done anything special to have the rights that she has and she wants everyone to have the same rights that she was born with by doing nothing special. As a mother and friend she wants this non-discrimination to be passed in Olmsted Falls and she will support it in every way that she can.

Mayor Donegan indicated that she is happy to say that all of Council is supporting Ordinance 05-2017 and she is very proud of that and this is a step in the right direction. She believes if she would have been able to get the legislation moved quicker for 06-2017 we would be further. Council will move on 05-2017 but 06-2017 is more expansive. There is a legislative rule; government is a slow deliberate process and that is our mission. Sometimes people think that the government doesn't move fast enough but 06-2017 will run three readings because that is the appropriate thing to do.

Andrea Ourlian, 9799 Grist Mill Run, stated that Mr. Miller is her neighbor. She has a daughter who is bi-sexual, who had quite a time through the Olmsted Falls school system. She is so in support of this because she really didn't have the support in the school system other than the counselors. The peer pressure was ridiculous, what the teachers let kids get away with in the classrooms was ridiculous. So many times she and her husband had to go up there and we had some period of self-harm as well. She has an awesome daughter who pushed through all of it and is proud of who she is and she believes she has every right to be who she is, she loves her for who she is. Her daughter is awesome, smart, funny and she does not believe that anyone should hold what gender she chooses or what sexuality she chooses against her. She is in full support of this ordinance.

Mayor Donegan stated that this is a step in the right direction and she is proud to be the 17th community to embrace this.

New Business

Ordinance 05-2017

AN ORDINANCE AMENDING SECTIONS 214.01; 214.04(a); 214.06; 623.01; 623.02; 623.03(a) and (c); 636.20(a); 636.21; 1479.08 OF THE CODIFIED ORDINANCES OF THE CITY TO EXPAND THE CLASSES OF PROTECTED PERSONS IN THE AREAS OF CITY EMPLOYMENT, FAIR HOUSING, AND ETHNIC INTIMIDATION TO INCLUDE SEXUAL ORIENTATION, GENDER IDENTITY AND GENDER EXPRESSION, AND DECLARING AN EMERGENCY **First Reading**

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

Mr. Stibich indicated that he would like to see this ordinance run three readings as he does not know what the urgency is.

Mayor Donegan indicated that she would like it noted for the record that this Council recognizes and acknowledges that we live in a dynamic ever changing community and society with varying groups and individual experiences derived from diverse and varying factors, values and characteristics. That diversity is a blessing that expands group and individual understanding and experiences for overall growth and understanding that enhances the communities and society. That fundamental human rights in fair, equal and non-discriminatory treatment of persons in the areas of employment and housing are to be recognized, encouraged, supported and protected. That no person should suffer unlawful discrimination by another in housing or employment nor suffer unlawful intimidation or harassment by another based on a person's race, color, age, religion, ancestry, national origin, gender, sexual orientation, gender identity or gender expression.

Voice Vote: 5 ayes; 1 nay (Stibich). **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Mr. Haviland **seconded**. Voice Vote: 5 ayes; 1 nay (Stibich). **Motion carried**. Ms. Garrity moved to **adopt**; Mr. Sculac **seconded**.

Mr. Miller stated that he knows everyone is excited to see this adopted. He is a big history buff and he thought it was very interesting that Olmsted Falls is the 17th city to adopt this ordinance, assuming it is adopted, and Ohio is the 17th state in the country, and 17 is a prime number with us being a prime example of what cities in Ohio should be doing. He does not know what this exactly means but did find it interesting; MIT has indicated that 17 is the least random number of all the numbers and he believes that is very telling as this was not a random occurrence; this was a lot of work that the Mayor and a lot of other members of the administration have done to make sure Council was brought up to speed. He looks forward to supporting this Ordinance as well as supporting Ordinance 06-2017 but would like to see that one run the full three readings. Mr. Sponseller thanked Alana and the organization for all their hard work which was tremendously helpful to him as the law director. The presentation last December was very thorough and a huge help. On a personal note, in putting together the whereas clauses and identifying the legislative purpose behind the legislation it caused him to do a great deal of reflection as well and is excited to be a part of this.

Mayor Donegan indicated that this has been a tough week for her personally and professionally. She stated to Mr. Peto that sometimes people need more education and more prayer. We lost someone who really contributed to the city and who made his own decision. She was a sponsor of the gay games in 2014 because that is how she was raised and how she is raising her son. She spoke with some Council members and apologized for anything she may have said this past week that was off putting. Anyone who knows her know she reads junk mail and she got an email from Equality Ohio indicating that Lakewood passed this ordinance and she thought Lakewood isn't going to get anything over on Olmsted Falls so conversations began and invited Alana to make a presentation to Council so this has been in the works. She stated that the irony to life, even at 55 she's still learning, things always happen for a reason and this thing that happened that off putting to most has turned into something wonderful, healing, educational and embracing and she is very proud of that.

Poll: 6 ayes; 0 nays. **Motion carried**.

Ordinance 06-2017

AN ORDINANCE AMENDING SECTIONS 214.01; 214.04(a); 214.06; 623.01; 623.02; 623.03(a) and (c); 623.04; 636.20(a); 636.21; 1479.08 OF THE CODIFIED ORDINANCES OF THE CITY TO EXPAND THE CLASSES OF PROTECTED PERSONS IN THE AREAS OF CITY EMPLOYMENT, FAIR HOUSING, AND ETHNIC INTIMIDATION TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION, AND TO ADD PROTECTIONS IN THE AREAS OF PRIVATE EMPLOYMENT AND PUBLIC ACCOMMODATIONS, AND DECLARING AN EMERGENCY **First Reading**

Mayor Donegan indicated that this is a more expansive ordinance from the private to the public.

Miscellaneous New Business - *None*

Such other business that may come before Council

Mayor Donegan stated that the finance department needs to make sure that Mr. Grau gets the lateral transfer salary and Chief Gluss' salary needs to be addressed as well.

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

The meeting adjourned at 9:17 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council