

*City of Olmsted Falls*  
**Minutes of a Regular Council Meeting**  
**Tuesday, March 28, 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, Edward Gorski, Paul Stibich, and Terry Duncan, were present. Kyle Miller was excused.

Also in attendance: Gregory M. Sponseller, Law Director, Steve Presley, Finance Director, Mike DeSan, Asst. Finance Director, Chad Gluss, Fire Chief, Joe Borczuch, Service Director, Rosann Jones, Manager Business & Community Services, William Traine, Asst. Safety Director, and Odis Rogers, Deputy Police Chief. Audience: 43.

**Approval of Minutes**

Mr. Sculac moved to **approve** the minutes from the Special Council Meeting of March 13, 2017; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Ms. Duncan moved to **approve** the minutes from the Regular Council Meeting of March 14, 2017; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

**Consideration of Amendment to the Agenda**

Mr. Gorski moved to **add** 17-2017 to the agenda under New Business; Ms. Garrity **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.**

Ms. Garrity moved to **add** matters of pending litigation pursuant to ORC 121.22(G)(1) to executive session; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.**

Mr. Sponseller stated before the meeting begins he would like to make a couple of comments with respect to procedures at public meetings. We have worked hard over the past three years to bring professionalism and decorum to City Council meetings to provide everyone their first amendment rights to speak in accordance with the Council rules. Those include public comments, now at the council meeting but also public comments at the time of legislation when items are under discussion. Under Roberts Rules of Order and Council's Rules the comments are to be addressed to the chair with the number of people expected to speak this evening it is likely that there will be time limits on comments. Any questions can be presented and addressed to the chair. Additionally, it will be up to the Chair, who is the Mayor, to control the meeting. He would again ask that comments are addressed to the chair, be respectful and we will proceed accordingly.

**Mayor's Report and Appointments**

Mayor Donegan stated that Council will need to set a public hearing for the ABR appeal filed by Diana Pistora, who is appealing the decision regarding replacement windows.

She stated that the public hearing for the Elm Street rezoning, Sprenger Health Care, is scheduled for April 11, 2017 beginning at 7:00 p.m.

A brief note from the Clerk regarding the Phase V sewer project the personal service for those who would not sign for their certified mail will begin tomorrow, these letters will be hand delivered by the Community Police Officers. The City will have 28 days to serve everyone. For those not served, a legal notice will be placed in the newspaper.

Ms. Garrity moved to **appoint** Daila Shimek to the Board of Equalization; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Ms. Garrity moved to **appoint** Tom Sprague to the Board of Equalization; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mayor Donegan stated that she will have one more appointment to the Board. This will give the volunteers educated for the process which should take place at the end of May.

She stated that Chief Gluss distributed a memo to Council regarding the SCBA replacements.

Mr. Sculac moved to **approve** a requisition to Finley Fire Equipment for the purchase of 12 SCBA's for the fire department in an amount not to exceed \$11,254.32; Mr. Stibich **seconded**. Mayor Donegan stated that this is the breathing apparatus that the firemen depend on to breath in a fire. They have been outdated and the new fire chief has reviewed the old equipment and determined that 12 need to be replaced. In the past the city received a grant for this type of purchase and did apply this year but we were turned down. Poll: 6 ayes; 0 nays. **Motion carried**.

She stated that the city continues to work on the Cook Road culvert flooding issue. We finally received feedback from the German Club and will continue working on resolving these issues.

The city has received its property tax payment and the cash balance is currently \$4.5 million. Mr. Presley indicated that the property tax revenue was received this month and will be reflected in the balances at the end of the month.

She stated that Council received a memo regarding the Baker's Creek Bridge issue. She stated that Ms. School is present this evening to speak on the matter. This legislation is on the agenda to move this to the next process, which is a Council hearing.

She stated that a meeting was held with the residents who approached the city regarding the burglaries on Devonshire. She read into the record a letter she sent to those residents who participated in that meeting (see attached). She stated during the last meeting there was some intimation that there was a block watch group that was formed, it appeared from this meeting that there was not necessarily a block watch officially formed. She distributed information regarding the formation of a block watch and it is incumbent upon these individuals to make certain that you keep law enforcement notified as they are an integral part of a block watch.

She also, for the record, wanted to illuminate Council regarding some of the issues that were brought up. The calls for service that were described by Deputy Chief Rogers was between January 1, 2016 and March 20, 2017. During this time there were 41 calls for service to Devonshire, seven were medical only, no police intervention; one was a general assist; one was an alarm; two were assists to fire and EMS; two were burglary; three were for departmental information; six were for follow-up investigations; one was for fraud regarding the computer; two were fraud text issues; one was a lock

out vehicle; four were psychiatric situations; six were special attention; two were suspicious situations; one was suspicious vehicle; one was a traffic detail complaint; and one was a welfare check. There seemed to be at the last Council meeting some intimation that perhaps this Mayor or our departments or this Council are not taking safety seriously. She stated that safety has always been a big concern and as Mayor you adjudicate sidewalk repair; permits; economic development; safety; heroin overdoses; and these confound what is on a Mayor's plate. She would like everyone to know that police department reform, which was undertaken in March of 2014, came at a great personal sacrifice to her. When she became the safety director and took over the oversight of the police department there was a significant need for accountability which was also echoed by some of the long term serving Council members. When we were in the process of trying to understand the police activity and past practices there were about 10 to 13 calls per day. If you can imagine in a 24 hour shift we had 10 to 13 calls per day, which was not acceptable to her as Mayor or Safety Director. The department now averages 22 to 33 calls per day, which means the police are on the road. The average miles that a police vehicle would traverse the city was 22 miles per shift to 70 to 100 miles per day, which is a significant increase and shows that they are traversing the city. There has been almost a 2% increase in dispatch calls, which means residents are calling and the police are responding, this is also significant. Training increased expeditiously, including firearm training, which makes certain that the police officer holding the gun is equipped and using the firearm they were assigned. Software programs were purchased to track pawn shops. Before she became the Mayor and Safety Director no background checks were completed for police officers, they came up through the ranks, and now we complete full background checks. We now have better firearms and firearm controls which has ATF implications; the evidence was cleaned up and reviewed. So, to intimate that we are not safety oriented she would subscribe that we are. She will not ask Chief Trainee to speak because there is always this idea that if she asks the person she appointed maybe he won't say the truth because the Mayor tells him what to say, which is not what happens here. She then asked Deputy Chief Rogers, who has been with the city for a long time, to speak about the accountability and where we are now.

Deputy Chief Rogers stated that some of things that have been completed in the last year and a half to get the police department moving forward. As an officer who has been with the city for over 15 years he has seen all the changes and one of the biggest changes were the new three hires. Prior to that he was the last full time officer hired in 2002. The department's full time ranks were decreasing and more part time officers were coming in but that goes to continuity and consistency in police work. It is much more important from the officer's perspective to have full time police officers who are completely invested 100% of their time to this agency. The department's sick time has decreased significantly. The Mayor indicated a 2% increase in calls for service, but the calls in the CAD has increased 13.8%, which is a lot. He is a range officer for the department and the officers have had the same guns for quite some time and there were officers who were uncomfortable with the caliber previously carried and we have a responsibility to the officers, and ultimately to the community, to make sure the officers carry weapons they are comfortable with and competent with. Therefore training was increased and the department purchased new 9 millimeter firearms and are more comfortable for those officers who struggled with the 45. He stated that the morale in the police department the last five years was bad which was reflected in sick time and CAD decreases but sick time is down and CAD has increased which is because morale is up. The officers enjoy coming to work which is the bottom line. He stated that prior to Chief Trainee the officers did not complete duty reports. He does not want Council to get the wrong idea. The department has good officers and have always been good officers but there may have been some lack of will or drive in the past. With these duty reports the officers are accountable for all of their time. He stated that the Mayor alluded to the fact that we might have a few calls for service on the midnight shift but what did the officers do the

other six hours of the shift and now it is in the duty report. These reports help him, Chief Trainee and the Mayor, who reviews them every day, and puts the activities of each officer out in the open which is reflected in the CAD and sick time.

Mayor Donegan distributed a letter she received from the President and CEO of Lakewood Chamber of Commerce Patricia Ryan, which she read into the record (see attached).

Mayor Donegan read the attached statement.

### **Communications from Residents**

**Mary School, 9580 E. River Road**, thanked Council for allowing her to speak. She received a letter from Mr. Sponseller the other day. She stated that the comments she is making could be taken personally but she hopes they are not. She is reflecting the feelings of the people who are not the owners of the bridge, who are the residents being asked to pay a good amount of money. First of all, she personally has offered at least four times, Mayor Donegan talks about compromising and working together, compromised solutions and the decisions that have come back are simply that is not acceptable. This has happened in all four cases and she does not see that as a willingness to work together. Point two, as she read over the points proposed now for claiming the bridge as a nuisance. Again, she is trying not to be personal here but she is offended by the use of the words “we are the beneficiaries of the bridge” which is point four in your facts and circumstances as you enumerate them. Speaking for herself, she is not a beneficiary of the right of ingress or egress, she has a legal right by way of her deed when she purchased the property 30 years ago. There was mention that yes we have the right to go over and come back, never ever in her deed or any place else was it mentioned that we have responsibility for the maintenance of the bridge, considering Council that this figure has gone from \$230,000 divided among nine people and now it’s at \$70,000 its always in influx. Third point, in the circumstances and facts in point three the bridge is described as “potentially constituting a public nuisance” and in point nine it states that the city has now engaged in a preliminary evaluation of the structural condition of the bridge, she does not think she was sleeping in all the years there have been meetings but her understanding was that this study was already done and yet to-date she does not have a piece of paper with a report on it on the structure or health of the bridge, don’t have statistics on what weights it can sustain or anything like that. She is questioning if an evaluation of such a nature should be done by the city itself considering that again, she apologizes if she is making a judgement, she feels that the city’s interest leans with the owners not with the rest of us because just in the description of us as beneficiaries of the bridge. It is a legal matter it isn’t “you’re getting a break so therefore you have to pay” it has nothing to do with that it’s a legal issue. Our ability to get in and out now on the access road is abdominal we have ruts that could take your tire down and the Mayor has graciously filled in those holes twice but doesn’t address the issue. When she spoke to members of city hall they are telling us that the reason they don’t fill in the holes is because we want everyone to go slow. The people taking that access road do not go fast they travel carefully. Again, the people who are the non-owners of the bridge it seems like everything is being put in to throw a stone in our path. The last issue she has is the garbage cans. We have had a dumpster on Boesken’s property for 30 years, as long as she has lived there, we have always had to walk or drive our garbage down because a truck cannot come back there. Now we have no dumpster and she had to roll her garbage cans down and now her cans are gone. It’s like one thing after another and she would ask you to please consider not just the feelings of the three owners but the legal fairness that is happening to the rest of the residents in that area.

**Mark Porter, 1180 Bell Road, Chagrin Falls,** stated that he does not live here but you have a beautiful community and if he wasn't a committed east-sider he might come out this way as well. He represents Ruby Jean Hahn, Mary School and Ruth Kohl. He is an attorney and has spoken to Mr. Sponseller on occasion with regard to the East River Road bridge. He believes Mary put it well but what he looks forward from Council is some kind of resolution to this matter that is fair to everybody and that the bridge is fixed and repaired, if it needs to be, at this point he is not aware of anything in writing that says that the bridge is unsafe, although he has been on the bridge and it does not look that great to him but he is not a structural engineer. He imagines that the city engineer is a P.E. or a structural engineer and as such he might be able to make some kind of recommendations as to what the bridge really is; safe, unsafe and what loads it can or cannot carry. Mayor Donegan stated that the bridge is not safe for EMS or fire equipment and that practice has been in existence for approximately 20 years. Mr. Porter indicated that a report would be helpful because at this point he does suppose that the city has a duty to provide police and fire to the residents. He has driven on the emergency road and it is not good. He is sure the people on either side of that road do not appreciate having traffic along their homes. As such he looks forward to something the City Council can do. He is also a Council member in South Russell Village and understands the difficult choices that sometimes has to be made by Council members in the performance of their duties. But, as Ms. School was stating the contiguous property owners we believe are the ones responsible for the repair and maintenance of the bridge rather than the rest of the people back there. He hopes that Council considers that moving forward and based upon the excellent advice that Mr. Sponseller will be providing. Mayor Donegan stated that she has an article that goes back to the 1980's that goes back to the fire chief stating that we cannot supply service to the residents and they deserve those services. Additionally, on Northwood, which was the previous administration and Council who came up with the alternative which is not a good alternative besides the narrow access which runs between two homes there is a gas pipe, which we looked into moving but determined it was cost prohibitive. This is a 30 year issue that has existed which she hopes some sort of agreement can be reached and she understands that this is a difficult issue and people's feelings do get hurt and have opposing views.

**Shauna Adkison, 19634 South Boone Road, Columbia Station,** stated that she has lived in Columbia Station her whole life but Olmsted Falls has been near and dear to her heart. She attended St. Mary of the Falls from kindergarten through 8<sup>th</sup> grade, her grandmother lived on Jennings Road, when her in-laws were looking for a place to relocate from New York she recommended Olmsted Falls and sure enough they moved into the Mill River Condo's where they have lived happily ever since. When she spoke with those same in-laws at the Moosehead Hoof and Ladder when she told them that they actually had a daughter-in-law and she was coming out as a trans-woman and that is why she is here today. It is very important to her as a member of the neighboring community. She and her wife are constantly in Olmsted Falls, it is a place that is very near to them and that we are members of the community and have an equal place as members of the community to live, to work, to love. This is what is important and she knows there is always that intention to see LGBT people as different as the "other" but we are not, we are just like everyone in the community, we are equal members and all we want is the same basic rights to just be a part of the world. That is why she urges support of the resolution today.

**Mike Turkal, 8597 Oakridge Drive, Olmsted Township,** stated that he and his wife bought a home in this community 20 years ago, raised four children, sent them to Olmsted Falls High School, three of which graduated and one graduated from Holy Name. He stands here tonight for his son Michael who is a gay man raised in this community and attended Olmsted Falls High School, graduated, went on to Cleveland State University to earn his degree in finance and has since moved to Chicago and

works for a very successful securities company. He would like to thank the community for that, for helping him raise his children, of course it is a community effort to raise productive citizens in the United States and he does thank the community and everyone that helped with everything. He would like to leave Council with one thought tonight, God made us, God made us who we are and Hare Krishna.

**Lee Fenrich, 8893 Columbia Road, Olmsted Falls**, stated that he would like to ask a question of the folks on this side of the room please. Mayor Donegan stated that there are no questions and he needs to address the chair, sir. Mr. Fenrich asked the chair how many people in the room does she feel that thinks the business community is the enemy of the LGBT community and he is addressing the chair. Mayor Donegan stated that this is a not a question and answer or a deposition and she will again ask him to stick to his comments. Mr. Fenrich stated that was part of his comment. He would like to state that we are not the enemy of the LGBT, this is not an LGBT versus the business community issue this is an ordinance issue. We are trying to find out the details of the law, and some of these have come out tonight. He had a very long and pleasant conversation with Alana Jochum last week, about an hour and a half, and she explained a lot of the details and most of the details he heard from her were not conveyed in detail at the original meeting when the business community met with the city two weeks ago. What they are looking for is some answers in detail, we heard some different things tonight, we heard that it's a criminal offense at the last meeting and Mr. Sponseller said that the criminal offense could include jail time. We have heard that it is a criminal offense to harass or degrade people of a protected class but that's not the point, the point is exactly what we asked the last time around, the details we heard were anything from a \$200 to \$300 fine. We have heard that it's a criminal offense and at what point does this offense become open to a civil suit. Some of these places that got closed down were not because of the law itself they were closed down because someone filed a civil suit. He does not know what the story was we couldn't come up with details on that but they were closed down because of a civil suit. He believes you owe it to the business community to at least explain this. He has talked to anyone in the business community that is opposed to this ordinance, they are not opposed to equality here, they are not opposed to including LGBTQ as a protected class they want to understand because there is still a lot of confusion even though they sent questions. He is assuming that some of those questions will be answered tonight, some were at the beginning. He also learned that the schools are exempt from this rule, if he is not mistaken and Alana will address that. He asked about high school students and so forth because as we all know school kids are kind of mean by nature if you are at least a little bit different they are going to pick on you. Where does that stop and when does it start becoming a criminal offense. Those are some of the questions that he has and hopefully we will have answers to that because that's what we were told we would get tonight.

**Liz Tinter**, Ms. Tinter indicated that she did not have any questions.

**James Graven, 9072 Devonshire, Olmsted Falls**, thanked the chair for allowing him to speak. He is also glad that the city website says "members of the public are encouraged to speak" so he is taking his right as a citizen of Olmsted Falls today. He would like to talk about the proposed legislation 06-2017 from a legal point of view. For the record, he graduated from law school in December of 1989 and has been a practicing attorney in Ohio since May of 1990 so he has a lot of experience. Tonight he will talk briefly about the due process rights of all of us citizens and business owners of Olmsted Falls. Mayor Donegan asked that he address the chair. Mr. Graven replied excuse him, tonight he wants to talk about the due process rights of all of our citizens because the business owners are afraid because the legislation is vague. He would like to state for the record that we are not a bigoted community, we are not necessarily against this legislation but the citizens have a lot of questions

because the law is vague and as an attorney he is going to talk about the legal aspects. The fifth and 14<sup>th</sup> amendments to the United States Constitution each contain a due process clause. The Supreme Court of the United States interprets the clauses as providing four protections; (1) procedural due process in both civil and criminal proceedings; (2) substantive due process; (3) a prohibition against vague laws; and finally (4) is a vehicle for the incorporation of the Bill of Rights. As an attorney he believes this proposed legislation contains vague laws, this is a vague law because there are no specified penalties and no specific hearing procedures for violations. For example, in Fayetteville Arkansas in 2015 City Council voted 6 to 2 to pass the Uniform Civil Rights Protection Ordinance and as part of the approved language the ordinance will not go into effect unless the voters of the city approve the measure in an election. But, briefly this is how their ordinance works and he thinks our Council members could learn a lot from this ordinance, we've talked about other cities in Ohio, Toledo, Cleveland, Lakewood, here is a good example of another city in our country that did adopt a Civil Rights protection ordinance and maybe we can use this in our city. Number one this is how it works, the city attorney would not serve as the administrator of complaints but rather a Civil Rights Commission would be formed to review and decide complaints of alleged discrimination. The Commission would consist of seven (7) members two representatives of the business community; two owners or managers of rental property; one representative with experience in human resources or employment law; and two citizens at large, at least one of whom identifies as lesbian, gay, bi-sexual or transgender. Now, anyone asserting a claim of discrimination would be required to present their claim in writing to the city attorney and then the city attorney would inform the Civil Rights Commission that a complaint has been received. The Commission would then schedule a hearing to review the complaint and they would receive evidence that would fair to both the person who filed the complaint and to the alleged perpetrator. This is what due process means Council, you need to give fairness and due process to everyone in our community both people who bring a complaint and people who are in charge of the complaint because they need due process to make sure they are not falsely charged. If the Commission after a fair hearing which allows both sides to present evidence, if the Commission determines that a discrimination did occur then the violator will be: (1) fined \$100.00 for the first offense; then subsequent violations would carry the city's general penalty which calls for fines up to \$500.00. In Fayetteville Arkansas a violation would not be considered a misdemeanor or felony it is not a crime. In closing, he would respectfully ask the Council members who will be voting on this important legislation tonight to consider (1) sending the legislation back and rewrite it to include adopting a lot of the Fayetteville ordinances and specifically he wishes Council would send it back and redraft to include (a) what would the fine be for a first offense; (b) what would the fine be for subsequent violations; (c) specify that a violation would be either a misdemeanor, a felony, or that it would be neither and not a crime; and lastly, please specify who would make up the Civil Rights Commission administering the complaints and he believes the Fayetteville ordinance would be a great template for you to use. He thanked the Mayor and Council members for his time.

**Ted Haun, 9618 East River Road, Olmsted Falls**, stated that it was indicated that the engineer looked at the bridge and determined that it is unsafe but did they do any testing or a write up or did they look at and state it was unsafe. Mayor Donegan stated that she believes that in speaking with Mr. Porter and listening to Ms. School we have attempted to adjudicate this 30 year history necessity. She does not have the file with her but we could certainly share the information with him. Mr. Haun stated that the Mayor brought up the easement for the fire truck. Mayor Donegan stated that she indicated there was no access. Mr. Haun stated that even if the bridge was maintained there was never access for a fire. Mayor Donegan stated that she cannot speak to that all she can state is that this has been on the Council agenda on and off for the last 20 years. She believes that Fire Chief's

Fisher, Potts, Munteanu and now Gluss, we are on our 4<sup>th</sup> fire chief so we are attempting to help get a solution. Mr. Haun stated that he realizes it is private property and that there are three individuals holding it up because they have not done the maintenance of their own property, we are all under that standard. We also understand that we have legal easements and right now everyone is using his private driveway as a road. Now there's been no permission given and he maintains his road. Mayor Donegan stated that Ms. Haun recently spent \$11,000. Mr. Haun indicated that he just received a price of \$15,000 to fix it again and the people in the back and theirs is going to be quite a bit more. Nobody has asked permission and nobody said anything like "do you mind" so we are getting to the point now we need to get this resolved. Mayor Donegan stated that they always say a good deal is when everyone goes away with an ouchie. This will be magnificent in three years when they had 30 to deal with it. She stated that she hears Mr. Haun and he is right on all of these points.

Mr. Sponseller stated that the last thing he wants to do is prevent anyone from expressing their opinion on any relevant topic but perhaps he can address some of the bridge issues. He spoke with Mr. Porter as legal counsel for one or more of the residents for the primary reason of keeping the lines of communication open. The ordinance along with a letter was sent the residents in order to keep everyone fully informed, the only action that Council is considering with respect to this legislation is to request that everyone come forward and present evidence that they have. The arguments that Ms. School and others have made, to the extent that they are arguments, can most appropriately be brought forward before the City Council which will sit as a quasi-administrative body to make a determination, which is the intent. No preconceived notions are being made except that we want to address the problem and try to resolve the matter. A public hearing will be held in May and the date will be sent out to the residents. Mayor Donegan stated that she would encourage the residents to solve this problem prior to the public hearing. Mr. Haun stated that it was his understanding that it was the Mayor's advice to close the bridge and now she is asking the residents to handle it on their own, if she told them to close the bridge how can we handle it on their own. Mayor Donegan stated that in terms of the bridge closure that is the three owners the Nyland's, Boesken's and Scheutzow's. Mr. Haun stated that they did that on their own with no advice.

**Alana Jochum** stated that she is the executive director of Equality Ohio and has been working with Gwen Stembridge, community members and Council members about the proposed ordinance. Although she is directing her comments to the chair she would like to comment on some of the questions that have come up around the ordinance. She is also happy to take any questions, if that is appropriate, if not she would be happy to be called back to the podium. She thanked the chair for allowing her to speak tonight. We have had some incredible community conversations around proposed Ordinance 06-2017 which seeks to add gender identity or sexual orientation as protected groups in Olmsted Falls existing non-discrimination code as well to add a few new sections to that. You join a broad range of company in Ohio, many other cities in Ohio have already taken this step including Athens, Bexley, Bowling Green, Cincinnati, Cleveland, Cleveland Heights, Columbus, Coshocton, Dayton, East Cleveland, Lakewood, Newark, Oxford, Toledo, Youngstown and Yellow Springs. She is proud that Akron added this last night and became the 17<sup>th</sup> city and more than 150 cities have done this nationwide. She wanted to address some of these questions, she would request a little extra time in order to do so. What does this law do? It simply prohibits discrimination based on race, color, religion, sex, ancestry, disability, national origin, family status, sexual orientation, gender identity or expression in the areas of housing, which you already had some sections of the code, employment, which you had some sections of code, and public accommodations, which is new to the code. In general terms, it means it is illegal to deny a person these public services or housing or employment simply because they are Hispanic, as an example, or to fire them because they are

Catholic, or deny them service in a public space because they are transgender. This sounds familiar to us sometimes because there are protected classes, there are laws on the books, in many of these areas at the state and federal levels but, sexual orientation and gender identity or not protected at the state and federal level. It is hard to believe that in 2017 it is generally legal to fire a person or deny them service simply because of whom they are or who they love, and yet that is the case. There have been questions regarding how this may impact business owners, for example, would this have to change business practices or do I need to change my business handbook. Nothing in the ordinance requires that a business change any internal policies, although it is a great opportunity to look at your internal policies and update them if you would like for best practice purposes to match this law. Additionally, there is no need to change or update the facilities in any business. That means you do not need to add or change any restroom facilities for example. Any facility that is not currently already open and available to the public does not need to now be open to the public. So, some businesses have a private restroom and that can remain private. Some businesses have a kitchen that is private that can remain private. It is mostly business as usual. To comply with this ordinance businesses just need to do what they hopefully have always been doing, hiring people based on talent, serving all who seek services from you, providing housing to everyone equally and not discriminating based on a person's race or religion or sexual orientation or gender identity. Another question is this a "bathroom bill" and the answer is no. She stated that bathroom bills across the country have caused turmoil and economic trouble due to the discrimination that they actually allow. A bathroom bill is essentially a law that does the opposite of what this bill will try to do. A bathroom bill tries to dictate what restroom a person can or cannot use based on their gender identity and the most notable example of this is that in North Carolina which tells transgender individuals that they must use the restroom corresponding with the gender marker on their birth certificate. Timely, an associated press article came out yesterday indicating the economic damage that resulting from this, it was staggering \$3.76 billion has been lost by the state of North Carolina over that law. To be clear this is not a bathroom bill, in fact it is the opposite and allows for equal treatment of everyone in Olmsted Falls. There have also been questions around what are public accommodations. Simply, public accommodations are businesses that are generally and commercially open and available to the public. Think you hotels, shops, restaurants, if you are open for business you must be open for business to everybody and cannot deny service simply because of who a person is. State and federal law already have protections in public accommodations for many of these protective classes including race, religion and age. Businesses in Olmsted Falls are subject to those laws already. This ordinance expands them to include sexual orientation and gender identity or expression simply meaning you cannot deny service in a restaurant or the ability of a patron to shop in your store because they identify as LGBT. The question "what about the wording of the law in the public accommodation section, does that take away my right to turn away someone because they are misbehaving in my space or otherwise breaking other laws." The answer is no, one of the questions that came up was in Section 2 the idea of a proprietor not being permitted to publish any written communication to say that your services will be refused on account of race, color, religion, the other protected or that such person is unwelcome or objectionable or not acceptable or desired. The last clause refers back to the protective classes, which means you cannot put a sign out that says "no gays allowed" or a sign that says "Catholics are not served here" this is about publications not being permitted that would convey to the person that they are not welcome for service. There was also a question raised about civil suits and would this lead to civil suits. The answer to that is no, it is a contained code, subject to the penalties within the code. This won't lead to civil suits because frankly you do not have the power to create a civil suit as the legislative body, you have the power to impose certain penalties but not create a whole new cause of action. If the state were to allow sexual orientation and gender identity to be protected that would provide a new avenue but you are not going to have civil suits raised here.

The cases with which some of the business owners raised as concerning were in states where there were stateside protections and different procedures that were at issue there. Finally, there was a question about “will this impact schools.” Schools are subject to title nine which are federal protections which include protections based on sex, and that has been interpreted to include gender identity and sexual orientation so LGBT people are protected based on Title Nine, at least she would advance that argument, and our supreme court may weigh in on this in the next few years. She stated that Olmsted Falls Schools actually have robust internal policies protecting LGBT people so that is what would be in place here. She is happy to answer any other questions and her organization is happy to facilitate any community meetings to clear up any additional questions or concerns that might arise. It has been a joy working with everyone on Council, the Mayor and the business owners.

Mr. Sponseller stated that Mr. Jochum’s qualifications as a practicing attorney and former associate at Squire Patton and other locations. He appreciates working with Ms. Jochum and dealing with the questions that have come forward. There are some matters he would like to clarify. He would like to reiterate that this does not create any private/civil cause of action, this Council does not have that authority. There were comments and questions regarding is this a criminal offense. We have several existing criminal provisions, if someone is harassing another, for example telephone harassment, and that someone happens to be a co-worker, they can be charged, which is a first degree misdemeanor. If someone throws eggs at his house they can be charged with criminal damaging. If it can be demonstrated and proven that they were throwing eggs at my house because he is Catholic, they can be charged with ethnic intimidation. If it’s his neighbor’s house and they demonstrate that they are throwing them because they are Lebanese, they can be charged with ethnic intimidation. This is an umbrella for a criminal violation which is an underlying offense, such as, criminal damaging, criminal mischief, menacing, aggravated menacing, all are misdemeanors and carry specific penalties depending on the level of criminal offense. Anyone charged with a criminal misdemeanor is charged typically by a police officer based upon investigation, statements and evidence gathered, if there is any reasonable doubt it is presented to the city prosecutor for review, if there is a potential conflict of interest it is submitted to an outside prosecutor for review before the charge is issue. This is true in virtually all cities, he is the law director here and also the prosecutor in another city and separate cities for over a quarter century. The point is there are due process procedures in place in a criminal context. The due process that Mr. Graven is referring to and we all respect the due process, procedure and substantive, generally requires that the judge review a case to determine whether probable cause exists to allow the charge to issue. Some of the changes proposed in this ordinance where there are existing ethnic intimidation charges, for example, they currently exist with respect to the protected classes that we all recognize as having been around for decades, religion, national origin, race, etc., this ordinance, with respect to ethnic intimidation, simply expands those criminal protections to gender identity, gender expression. With respect to employment and housing, Chapter 623 has an existing penalty provision. Again, this expands the class of protected persons. The criminal penalty in 623.99 clearly states that a first offense is a minor misdemeanor which is not technically a crime for the reason that it does not carry the possibility of jail. The maximum penalty is \$150.00 fine. If there is a second offense it becomes a criminal penalty first degree misdemeanor. The procedure involved, if any such charge was issued, again over a quarter century prosecuting he has never prosecuted one of these cases because they have never arisen. As Ms. Jochum stated there are state and federal laws that provide probably more effective individual remedies to an individual who is discriminated against based on race, religion, etc. As a practical matter, he honestly does not see any criminal complaints coming forward, if they do they would run through the city prosecutor, handled by a disinterested magistrate or judge, and there would have to be probable cause to issue the charge and substantial evidence that it could be proven beyond a reasonable doubt, which is required in a

criminal case including minor misdemeanors, that the defendant is guilty of the offense under the housing code. He hopes this addresses these concerns. The other point Mr. Graven brought up was an administrative remedy is another avenue that other cities have addressed for example in Arkansas. This also creates an additional administrative burden because you have to establish an administrative body, members for the administrative body, and it becomes expensive for businesses to deal with that if it were ever to occur. He stated that this Council does not have the authority to pass anything that would impose a felony only misdemeanors.

Ms. Jochum stated that a question did arise as to why not simply solve this at the federal and state levels. She concurs and many of us are working to change federal and state law. A bill was introduced last week at the state level to try and remedy these protections but that bill has not passed in the last decade. It is actually the leadership of municipalities like Olmsted Falls that is helping to change that attitude and she respectfully thanks Council for their consideration of this ordinance and happy to any further questions that might arise.

### **Approval of Bills:**

Mr. Sculac moved to **approve** Pay Ordinance 2017-06; Ms. Duncan **seconded**. Mr. Sculac asked if the payment to Littler Mendelsohn was a continuance of issues from last year. Mayor Donegan replied yes. Poll: 6 ayes; 0 nays. **Motion carried.**

### **Officials Reports:**

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

Ms. Jones indicated that the senior fair will take place this Friday at City Hall. There will be approximately 30 different vendors. Southwest General is sponsoring this event along with the City and Olmsted Recreation. Southwest will provide on-site testing for blood pressure, BMI readings, etc. Some of the vendors include Meals On Wheels, the local skilled care and assisted living facilities, Senior Transportation Connection as well as Elder Law and finance people. The event will take place from 11:00 a.m. to 2:00 p.m.

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

Ms. Duncan moved to **approve** a requisition to JD Striping Service for the 2017 miscellaneous pavement markings in an amount not to exceed \$15,991.10; Mr. Haviland **seconded**.

Mr. Borczuch indicated that the bids were opened and the other vendors bid \$19,000. The price increased approximately \$600.00 from last year. Mr. Stibich asked if Council approved striping at the last meeting. Mr. Borczuch replied that was for edgeline/centerline markings. This striping includes crosswalks, stop bars, etc. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that there are a couple of doors, for security purposes, that need to be replaced due to jambs rotting out. The price includes new hardware which will be needed if the existing hardware cannot be used.

Ms. Duncan moved to **approve** a requisition to Cleveland Vicon for two doors and jambs for the rear police department plus hardware, if needed, in an amount not to exceed \$3,870.00; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that the purchase from Judco will complete the updates to the street signs from Bagley Road south. He hopes to have the entire city completed by the end of this year which was mandated by the state.

Mr. Haviland moved to **approve** a requisition to Judco for 24 12' street sign posts; brackets and sign wrenches in an amount not to exceed \$3,774.00; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that it is difficult to get part time help with directing traffic and is one of the biggest concerns his employees have when working. He would like to purchase two portable traffic signals that are wireless and will interact with each other. He received two prices and OMJC was the lowest at \$16,285.

Ms. Duncan moved to **approve** a requisition to OMJC Signal for two portable traffic signals with wireless push button controls in an amount not to exceed \$16,285.00; Mr. Gorski **seconded**.

Mr. Haviland stated that this purchase would solve the problem if no one is available for traffic control so there are no delays in the work of the department. Mr. Borczuch indicated that currently he only has one part time employee which means he must utilize a full time employee for traffic control which takes away from a crew on a job and makes it difficult to get other work done. There have been instances in the past with seasonal or part time help managing traffic. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch indicated that he has been working for several years now in updating the area by the Covered Bridge parking lot, etc. As everyone is aware many of the lights are down in the area due to plowing. When the parking lot was upgraded conduit was installed in order to run new electric for new light poles. We also have installed a new electrical panel and updated the electric on the Covered Bridge. He would like to purchase four decorative light poles which are needed for safety. These poles will match the downtown area. Mayor Donegan stated that we made a decision to concentrate on economic development and to make our city owned buildings profit rather than cost the city. We invested and received an Ohio EPA grant to help improve the area with the installation of a rain garden as well as the Monarch Garden. This is the next step to light up the parking area. Mr. Borczuch stated that in moving forward with the old library the electric currently runs off the library and he would like to disconnect from that building.

Mr. Gorski moved to **approve** a requisition to Lamplight Industries for four decorative light poles for the municipal lot located next to the old library building in an amount not to exceed \$14,002.96; Ms. Duncan **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

Mr. Borczuch thanked everyone who helped out with the Stone Family fundraiser. There were 187 individuals who attended which made this event a great success.

**Chad Gluss, Fire Chief – No Report**

**William Traine, Assistant Safety Director – No Report**

**Odis Rogers, Deputy Police Chief – No Report**

**Steve Presley, Finance Director**

Mr. Presley indicated that he has been reviewing financing options for the roof replacement project for the administration building and will hopefully have an ordinance prepared for the next meeting. He is suggesting manuscript debt, which effectively means we will borrow from ourselves. This will enable the city to set the terms and not obtain an official statement which could cost between \$20,000 and \$30,000. Additionally, we will avoid having to obtain a bond rating from Moody's at an additional cost of \$7,500. In looking at what would be necessary to go out and borrow the money versus the costs thereof, he will propose manuscript debt. We will discuss a repayment schedule and show how this will fit into the capital improvement budget over the next 20 years.

Mayor Donegan indicated that the city moved into the building in early 2000's with the hope that the upstairs would be rented for income generating economic development but that was never addressed. We have begun addressing that prospect under her administration. But, we have a very leaky roof because the roof that was placed on the building was substandard, and she does not blame any decisions made regarding that roof. It is now time to take responsibility because we are currently negotiating with two businesses.

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

**Councilwoman Terry Duncan, Ward III – No Report**

**Councilman Paul Stibich, Ward II – No Report**

**Councilman Edward Gorski, Ward I – No Report**

**Councilman Jim Haviland, Council Pro-Tempore**

Mr. Haviland indicated that he is hoping to schedule a JEDD meeting on April 24<sup>th</sup>. Once the meeting has been confirmed he will inform the Mayor. Mayor Donegan indicated that Brickler and Eckler can attend that meeting.

**Councilman Bob Sculac, Council-at-Large**

Mr. Sculac moved to **approve** a requisition to Walter Drane Company for the 2017 codified ordinance replacement pages in an amount not to exceed \$3,974.95; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

Mr. Sculac stated that on Friday he was part of a phone conversation with the president of the YMCA in terms of recreational programs that could conceivably be brought to Olmsted Falls. In the last couple of months the Cleveland YMCA hired a consultant to review programming throughout the YMCA from Lake County to the Sandusky area to determine the facilities they currently own and operate programs in. They are looking for the results of that determination in May. We have expressed our interest in either building a regional facility or utilizing other facilities.

He also indicated that he attended a meeting with the Mayor and members of the staff regarding a developer wanting to annex 84 acres from Columbia Township, the old golf course at the corner of River and Sprague. We expressed our interest with them in the hopes that a number of parties be satisfied including Columbia Township, Columbia School System, the County Commissioners of Lorain County and the City of Olmsted Falls. We indicated to them that we were very interested and would be willing to move rapidly because he is looking to develop the 84 acres. There were various

individuals who were assigned tasks to perform relative to taxation and the proper way of handling the annexation so all parties involved would be satisfied with the outcome. These tasks should be accomplished shortly and another meeting will be scheduled. He wanted Council to be aware that there is a good possibility that the 84 acres will be annexed to the city.

Lastly, he is scheduling a finance committee for April 25<sup>th</sup> at 6:45 p.m. to review with the finance department the 1<sup>st</sup> quarter income and expenses. He also wants to discuss the Park and Rec Levy as well as some of the properties the city currently owns and their disposition.

**Councilwoman Linda Garrity, Council President**

Ms. Garrity stated that on April 24<sup>th</sup> the Southwest General Board will appoint Dr. Kronholtz, Ms. Anne Pennock and Dr. Schneider as trustees for another four year term.

Some of Southwest General's goals for 2017 include attempts to increase the number of grant proposals and fundraising efforts to support their behavioral health unit. She stated that patient performance expectations were met and exceeded for 2016. They are working with both employed physicians and independent physicians to manage costs under managed care. On a side note, University Hospitals just received designation as a level one trauma center. They join Metro and the Cleveland Clinic. Capital expenses requests for 2017 include renovating the maternity unit and also expanding their steam plant. She indicated that discharge patient volume was 8% less than planned but emergency volume increased and surgical volume increased by 32%. With the addition of the outpatient surgery centers these numbers have greatly increased for 2016. The medical center patient volume was ahead of budget by 2%. They will continue to reap the benefits of the Big Creek Surgery Center with those high surgical volumes and that helps assist with the hospital statistics. She stated that Dr. Hagan from Columbia Station is in charge of the Education Committee and is promoting more education on heroin abuse to the trustees that represent the six taxing districts.

Ms. Garrity stated that Council received an ABR appeal. The appeal hearing will be scheduled for April 11, 2017 beginning at 6:30 p.m. The appeal is based on vinyl windows for a home located on Columbia Road.

**Gregory M. Sponseller, Law Director**

Mr. Sponseller stated that since there are a number of residents in attendance regarding the Baker's Creek Bridge he would like to schedule Council's administrative hearing. He suggested Monday, May 8, 2017 at 7:00 p.m. Council agreed. He indicated that a notice will be sent to all affected property owners.

**Old Business**

***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)**  
(Referred to Planning & Zoning Commission – awaiting recommendation)

**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”) **Tabled on Third Reading** (Referred to Planning & Zoning Commission – Received Recommendation on 02/17/2017 – Council public hearing – April 11, 2017)

**Remained on table**

**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 **Tabled on Third Reading (03/14/2017)**

Mr. Gorski moved to **untable**; Ms. Duncan **seconded**. Voice Vote: 5 ayes; 1 nay (Garrity). **Motion carried**. Mr. Gorski moved to **amend by substitution**; Ms. Duncan **seconded**.

Mr. Sponseller indicated that the amended Ordinance deals with housekeeping issues which include adding 623.04 and 623.05 into the title and renumbering of one of the sections and the retitling of Chapter 623 from “Fair Housing” to “Fair Housing, Employment and Public Accommodations.” These are the only changes, there are zero substitutive changes. Ms. Garrity stated that after giving this much thought over the past six weeks she still has questions that she believes are legal in nature that she cannot answer herself. After discussing her concerns with the Assistant Law Director she thought he had a wonderful idea and because she loves compromise and the high road she was hoping that we could take some of these legal questions and have legal from Equality Ohio discuss them with the business owners. She believes that is very important and we have had such success with the businesses. To highlight Friday evening she and her husband were driving up through the junction and actually had to stop three times to allow people to cross the street. She believes we should be celebrating that because she has lived here 20 years and when she drove there on Friday and saw the packed parking lots and the people out and about she thought it was a cause for celebration and hard work, which she is not taking credit for as she is just an observer. Our Assistant Law Director suggested that if we take these legal questions and have Equality Ohio with their legal representative talk and come to a compromise on what would be acceptable because we do want to celebrate the businesses in Olmsted Falls. When she read the email from the Superintendent of schools that sort of highlighted some of the questions she has. With our borders and especially our irregular borders with our school system we have Olmsted Falls, Olmsted Township sharing a school system, and in her mind she is trying to understand how we can offer protections in one community but not the other. How would that affect the business owners, for example, BP on Bagley Road is an international company so how can Olmsted Falls pass protections to this company with employees in terms of hiring, firing, employing people, how would our laws fit into this international company scheme. Drug mart has stations all through the Cleveland area. Then the people who have maybe one or two small businesses or they may share a business in Olmsted Falls for example Speedway, they

have employees that cross communities for example one of their managers is usually stationed in Olmsted Falls but rotates to the Speedway in Berea and North Ridgeville and how would this work with employees that shift around communities. In her heart she believes it would be better if this came from the state level that way we wouldn't be worried about our different borders and different businesses within different sections and that is what she is trying to understand. She understands discrimination she grew up with her father who talked all of his life about how the Irish were discriminated against with signs in stores saying no Irish need apply. She has a foster son and discrimination of foster kids is real so she understands discrimination. After she spoke with the Assistant Law Director she thought wouldn't it be a great compromise to have the legal from the businesses talk to the legal of Equality Ohio and that would be her desire, she's just one vote. She wants everyone to understand why at this point she cannot understand this ordinance from a legal perspective in that one little section which she thinks we could compromise.

Mr. Haviland stated that at the March 13<sup>th</sup> meeting he indicated his support for this ordinance and felt that it was important for Olmsted Falls and certainly for our residents and visitors alike. However, and many of you remember he wanted to make sure that all the questions were heard whether they were verbal or in writing. With regard to Councilwoman Garrity's concerns raised we have had conversations over the last few days about this and it was important for us to hear everything. However, given the public testimony, the things that were provided in writing, and hearing that some of the businesses had conversations with Equality Ohio, who have certainly been a resource, he is satisfied that Ordinance 06-2017 is not going to put any undue burden on our business owners as they already follow similar laws and obligations. He believes this is the right thing to do for those who are not currently protected. He will be voting yes and thinks all of us want to live in Olmsted Falls where the community embraces the differences and everyone is treated equally.

Voice Vote: 5 ayes; 1 nay (Garrity). **Motion carried.** Mr. Gorski moved to **adopt**; Mr. Haviland **seconded**. Poll: 5 ayes; 1 nay (Garrity). **Motion carried.**

***Resolution 07-2017***

A RESOLUTION REQUESTING AND CONSENTING TO AN EMERGENCY ROAD MAINTENANCE PROJECT BY THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR 2017 AND DECLARING AN EMERGENCY **Third Reading**

Ms. Garrity moved to **adopt**; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

***Ordinance 13-2017***

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DESIGN-BUILD SOLUTIONS, INC. (GARLAND) FOR THE REPAIR/REPLACEMENT OF THE CITY HALL BUILDING ROOF FOR MATERIALS AND SERVICES THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE IN AN AMOUNT NOT TO EXCEED \$500,000.00, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY **Second Reading**

Mr. Sculac moved to **suspend**; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Sculac moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried.** Mr. Sculac moved to **adopt**; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

## **New Business**

### ***Ordinance 14-2017***

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OLMSTED FALLS CODIFIED ORDINANCES, AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH **First Reading**

Mr. Sculac moved to **suspend**; Mr. Gorski **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Ms. Duncan moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Stibich moved to **adopt**; Ms. Duncan **seconded**. Mr. Sponseller stated that the ordinance does not expressly include on its face reference to the Charter amendments made by the voters last year, however, the replacement pages are included so any books needing updating will include the amended charter. Poll: 6 ayes; 0 nays. **Motion carried**.

### ***Ordinance 15-2017***

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) UNDER THE DISTRICT'S MEMBER COMMUNITY INFRASTRUCTURE PROGRAM RELATED TO THE COLUMBIA AND COOK SANITARY SEWER PROJECT (PHASE V) AND DECLARING AN EMERGENCY **First Reading**

Mayor Donegan stated that this is the acceptance of the \$600,000 grant and would ask that Council consider adopting this evening in order for the City to continue moving forward with this project.

Mr. Sculac moved to **suspend**; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Mr. Sculac moved to **waive** the reading in its entirety; Mr. Stibich **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**. Ms. Duncan moved to **adopt**; Mr. Stibich **seconded**. Mayor Donegan stated that this is a positive net effect to Phase V and the 320 residents that are affected. She believes that the city has received almost \$8 million for this project. Poll: 6 ayes; 0 nays. **Motion carried**.

### ***Resolution 16-2017***

RESOLUTION OF THE OLMSTED FALLS CITY COUNCIL DECLARING ITS INTENT TO ASCERTAIN THE EXISTENCE OF A PUBLIC NUISANCE OF THE PRIVATE BRIDGE OVER BAKER'S CREEK ON THE PRIVATE DRIVE OF E. RIVER ROAD AND DETERMINE THE RIGHT, NECESSITY AND REASONABLE MEANS FOR ITS ABATEMENT, AND DECLARING AN EMERGENCY **First Reading**

### ***Ordinance 17-2017***

AN ORDINANCE UPDATING AND AMENDING THE BUILDING PERMITS AND FEE SCHEDULES IN CHAPTER 1448 "PERMITS AND FEES" AND CHAPTER 1452 "DEVELOPERS DEPOSITS AND OTHER FEES" AND DECLARING AN EMERGENCY **First Reading**

## **Miscellaneous New Business - None**

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

Mr. Sculac moved to **adjourn into executive session** to discuss matters of economic development pursuant to ORC 121.22(G)(8) and pending or threatened litigation pursuant to ORC 121.22(G)(1); Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:33 p.m.

Mr. Stibich moved to **adjourn into regular session**; Mr. Gorski **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting reconvened at 10:25 p.m.

Mr. Sculac moved to **adjourn**; Mr. Haviland **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 10:25 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*